



AGENDA

Logan County Board of Commissioners
Logan County Courthouse, 315 Main Street, Sterling, Colorado
Tuesday, October 6, 2020 - 9:30 a.m.

Call to Order

Pledge of Allegiance

Revisions to Agenda

Consent Agenda

Approval of the Minutes of the September 29, 2020 meeting.

Approval of the Veteran's Service Officer's monthly report and certification of pay form for the month of September, 2020.

Acknowledge the receipt of the Public Trustee's Third Quarter Report for 2020.

Unfinished Business

Consideration of the award of the proposal for the restoration of windows and doors at the Logan County Courthouse.

Consideration of the approval of Resolution 2020-35 on behalf of Gary Schlenz, agent, pursuant to a P.O.A. for The Rosemary Schlenz Estate for vacation of the platted Sunrise Circle, Sunrise Lane and Lots 9 - 19, Blocks 1 and 2, Sunrise Knoll, Phase II, located in the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section 30, Township 8 North, Range 52 West of the Sixth Principal Meridian, Logan County, Colorado, for the purpose of a replat.

Consideration of the approval of Resolution 2020-36 on behalf of Gary Schlenz, agent, pursuant to a P. O. A. for The Rosemary Schlenz Estate approving the re-plat of Lots 1, 2, and 3, Sunrise Knoll, Phase I and the vacated Sunrise Lane and Sunrise Circle contiguous to Lots 1, 2, and 3, Sunrise Knoll, Phase 1, located in the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section 30, Township 8 North, Range 52 West of the Sixth Principal Meridian, Logan County, Colorado.

Consideration of the approval of the second round of Small Business Grants.

New Business

Consideration of the approval of a Construction Materials Regular (112) Operation Reclamation Permit Application for the Barkley Pit for a gravel pit

Consideration of the approval of an agreement between Logan County and Sitewise for Xcel and issuance of Right of Way Permit #2020-22 for use of the county right-of-way to bore under at 7811 5th Street, Atwood, CO to bore under for a new gas service line.

Consideration of the approval of an agreement between Logan County and Sitewise for Xcel and issuance of Right of Way Permit #2020-23 for use of the county right-of-way to bore under at 7801 5th Street, Atwood, CO for a new gas service line.

Other Business**Miscellaneous Business/Announcements**

The next meeting will be scheduled for Tuesday, October 20, 2020, at 9:30 a.m. at the Logan County Courthouse.

Executive Session as Needed**Adjournment**

September 29, 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 Bacon
Marilee Johnson

Logan County Attorney
Logan County Clerk
Tourist Information Center Director/County Public
Information Officer
Lodging Tax Board
Economic Development
City of Sterling
City of Sterling
Logan County Finance
Planning and Zoning
Logan County Emergency Manager

David Conley
Trae Miller
George Good
Donald Sailing
Debbie Unrein
Rob Quint
Jerry Casebolt
Ty Lebsock
James Horner
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 September 15, 2020 meeting.
- Approval of a letter to the Colorado Oil and Gas Conservation Committee in support of a proposal to recognize the tremendous helium resource located in eastern Colorado and expedite its development.

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 table until October 6, 2020 the second round of Small Business Grants. Commissioner Pelton seconded and the motion carried 3-0.

The Board opened proposals for the restoration of windows and doors at the Logan County Courthouse.

- Schlenz Builders Inc in the amount of \$22,518.00

Commissioner Pelton moved to refer these bids to Chance Wright with Logan County Grounds Department for his recommendation and approval. Commissioner Bauder seconded and the motion carried 3-0.

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

- Colorado Life Magazine Advertisement - \$4,320
- Logan County Tourism Fall 2020 Recovery Plan - \$5,000.

Commissioner Bauder moved to approve the Logan County Lodging Tax Board project Colorado Life Magazine Advertisement for \$4,320. Commissioner Pelton seconded and the motion carried 3-0.

Commissioner Pelton moved to approve the Logan County Lodging Tax Board project Logan County Tourism Fall 2020 Recovery Plan in the amount of \$5,000. Commissioner Bauder seconded and the motion carried 3-0.

Commissioner Bauder moved to approve Resolution 2020-31 for a Subdivision Exemption on behalf Casey J. Yost to create a 4.17-acre parcel from a 300-acre parcel in an (A) Agricultural zone district in the Southwest Quarter of Section 18 Township 9 North, Range 51 West of the Sixth Principal Meridian, Logan County, Colorado. Commissioner Pelton seconded and the motion carried 3-0.

Commissioner Pelton moved to approve Resolution 2020-32 vacating Lots 1 and 2 of the Horner Minor Subdivision located in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section 6, Township 7 North, Range 52 West of the Sixth Principal Meridian, Logan County, Colorado. Commissioner Bauder seconded and the motion carried 3-0.

Commissioner Bauder moved to approve Resolution 2020-33 for Re-subdivision and Replat of Lots 1 and 2, Horner II Minor Subdivision, located in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section 6, Township 7 North, Range 52 West of the Sixth Principal Meridian, Logan County, Colorado. Commissioner Pelton seconded and the motion carried 3-0.

Commissioner Pelton moved to approve Resolution 2020-34 for vacation of a Subdivision Exemption plat on behalf of Marcie Ann and Russell Johnson Adels on a parcel of land located in the North Half of the Northwest Quarter (N1/2NW1/4) of Section 12, Township 8 North, Range 54 West of the Sixth Principal Meridian, Logan County, Colorado. Commissioner Bauder seconded and the motion carried 3-0.

Commissioner Bauder moved to postpone until the October 6, 2020 meeting Resolution 2020-35 on behalf of Gary Schlenz, agent, pursuant to a P.O.A. for The Rosemary Schlenz Estate for vacation of the platted Sunrise Circle, Sunrise Lane and Lots 9-19, Blocks 1 and 2, Sunrise Knoll, Phase II, located in the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section 30, Township 8 North, Range 52 West of the Sixth Principal Meridian, Logan County, Colorado, for the purpose of a replat. Commissioner Pelton seconded and the motion carried 3-0.

Commission Bauder moved to postpone until the October 6, 2020 meeting Resolution 2020-36 on behalf of Gary Schlenz, agent, pursuant to a P.O.A. for The Rosemary Schlenz Estate approving the re-plat of Lots 1,2, and 3, Sunrise Knoll, Phase I and the vacated Sunrise Lane and Sunrise Circle contiguous to Lots 1, 2, and 3, Sunrise Knoll, Phase 1, located in the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section 30, Township 8 North, Range 52 West of the Sixth Principal Meridian, Logan County, Colorado. Commissioner Bauder seconded and the motion carried 3-0.

Chairman McBride opened a public hearing concerning Resolution 2020-37. Hearing no comments, Chairman McBride closed the public hearing.

Commissioner Pelton moved to approve Resolution 2020-37 granting approval of the issuance of the Conditional Use Permit #249 to the City of Sterling, Colorado, for the addition of wastewater treatment plat improvements to existing facilities located in portions of Sections 13, 23, 24 and 27, Township 8 North, Range 52 West of the Sixth Principal Meridian, Logan County, Colorado. Commissioner Bauder seconded and the motion carried 3-0.


Commissioner Bauder moved to approve an agreement between Logan County and TVBAR, LLC and issuance of Right of Way Permit #2020-21 for use of the county right-of-way trenched across County Road 31 by County Road 310 for a 10" pipe. Commissioner Pelton seconded and the motion carried 3-0.

Announcements:

The next business meeting will be scheduled for Tuesday, October 6, 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 9:51 a.m.

Submitted by:



Logan County Clerk

Approved: October 6, 2020

BOARD OF COUNTY COMMISSIONERS
LOGAN COUNTY, COLORADO

(seal)

By: _____
Joe McBride, Chairman

Attest:

Logan County Clerk & Recorder



Colorado Department of Military and Veterans Affairs
County Veterans Service Officers Monthly Report and Certification of Pay

County of SEPTEMBER Month of 2020

GENERAL INFORMATION		REQUEST FOR MEDICAL RECORDS	
Telephone Calls	195*	21-4142 & 21-4142a	06/06
Office Visits	20	MILITARY RECORDS/CORRECTIONS	
Home Visits	06	SF180	02
Outreach Visits	01	DD149	- 0 -
Community Events	- 0 -	DD293	- 0 -
Request for Medal	- 0 -	NA13075	- 0 -
Operation Recognition	- 0 -	Other	- 0 -
Correspondence Rec'd	05	NSC PENSION	
Correspondence Written	09	21-527EZ	- 0 -
Info/Referral/Inquiries	09	21-8416	- 0 -
VCAA Notice	- 0 -	WIDOWS PENSION	
State Benefits	- 0 -	21-534EZ	- 0 -
Income Verifications	- 0 -	21-8416	- 0 -
NEW CLAIMS INITIATED		DIC	
21-22 CVA	03	21-5234EZ	- 0 -
21-22 others	- 0 -	WAIVERS/COMPROMISE	
SC ENTITLEMENT		21-5655	- 0 -
21-526EZ	06	APPEALS	
21-0966 Informal	09	21-0985 NOD	↑
21-4138	08	VA Form 9	↑
21-526EZ Reinstate	- 0 -	20-0995	- 0 -
21-526EZ IU	- 0 -	20-0996	↓
21-8940 IU	- 0 -	10182	↓

SC ENTITLEMENT CONTINUED		INSURANCE CLAIMS	
21-4192 IU Employer	↑	29-357	↑
21-4138 SMC	- 0 -	29-4364	- 0 -
21-686c Dependency	↓	29-336 Beneficiary	↓
21-674 School Attendance	↓	29-4125 Lump Sum	↓
VA HEALTHCARE		VTF REQUESTS	
10-10EZ	02	Rental Assistance	↑
CHAMPVA	- 0 -	Utilities Assistance	↓
HOMELESS VETERANS CLAIMS		Prescription Assistance	↓
Service Connection	- 0 -	Food Assistance	- 0 -
NSC Pension	- 0 -	Transportation Assistance	↓
VOC REHAB		Clothing Assistance	↓
28-1900 CH31	- 0 -	Other	↓
MISC CLAIMS		VA HOME LOAN	
21-8678 Clothing Allow	↑	26-1800	- 0 -
21-4502 Adaptive Equip.	↑	26-1817	- 0 -
26-4555 Housing	- 0 -	SURVEYS	
10-0103 HISA Grant	↓	County VSO Feedback and Comment Forms Submitted:	- 11 -
CRSC	↓	OTHER	
BURIAL ALLOWANCE		Calls: from vet/to vet about vet/professional	73/67 37/18 *
21P-530	↑	Emails: from vet/to vet about vet/professional	19/20 90/79
40-1330	- 0 -	Text messages: from vet/to vet	05/05
21-2008	↓	21-0781/24-0294	01/01
INCARCERATED VETERANS		40-1000T	01
21-526EZ Reinstatement	- 0 -	CVA6(J)/CVA6(J) P	09/01
21-4138 Apportionment	- 0 -		

Certification by County Veterans Service Officer

I hereby certify, the above captioned monthly report is true and accurate. I have been paid the following amount(s) for the month of SEPTEMBER, 20 20 from LOGAN county.

Salary	\$ <u>2,019.98</u>
Expenses <i>Maint. Contract</i>	\$ <u>35.43</u>
Office Space	\$ <u> </u>
Telephone	\$ <u>84.52</u>
Office Supplies	\$ <u>432.05</u>
Travel	\$ <u>-0-</u>
Training Conference	\$ <u>-0-</u>
Other <i>Postage</i>	\$ <u>2.25</u>
 TOTAL	 \$ <u>2,574.23</u>

[Signature]
Signature of County Veterans Service Officer

10-01-2020
Date

Certification by County Commissioner or Designee

In accordance with CRS 28-5-707, I hereby certify the accuracy of the Report CVA-26 revised 2-15-2019:

County Commissioner or Designee of

County

Date

This certification, submitted monthly, properly signed and executed is considered as application for the monetary benefits to the County General Fund in accordance with 28-5-804 (2002) Colorado Revised State Statute.

Submit this form no later than the 15th day the following month.

Mail to:
Colorado Division of Veterans Affairs
Attention: Director
1355 South Colorado Blvd.
Building C, Suite 113
Denver, Colorado 80222

PATRICIA BARTLETT
Logan County
Colorado
Treasurer and
Public Trustee



315 Main St., Ste. 4
Sterling, CO 80751
Phone (970) 522-2462
bartlettp@logancountyco.gov
<http://logancounty.colorado.gov/>

October 1, 2020

The Honorable Board of County Commissioners
Courthouse
Sterling, CO 80751

Herewith attached is the Public Trustee's Third Quarter Report showing a total collected of \$4,620.00.

A handwritten signature in purple ink that reads "Patricia Bartlett".

Patricia Bartlett, Logan County Public Trustee



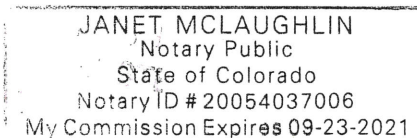
STATE OF COLORADO)

:SS.

COUNTY OF LOGAN)

The foregoing instrument was acknowledged before me this 1st day of October, 2020, by Patricia Bartlett, Logan County Public Trustee. Witness my hand and official seal.

My commission expires: September 23, 2021



A handwritten signature in purple ink that reads "Janet McLaughlin".

Notary Public

JULY 2020 TOTALS									
RELEASE	DEED	CURE	FORECLSR FEE	WITHDRAW	ESCROW	RESTART	RESCISSION	REDEMPTION FEE	TOTAL
103	0	0	0	1	0	0	0	0	104
\$ 1,545.00	\$ -	\$ -	\$ -	\$ 35.00	\$ -	\$ -	\$ -	\$ -	\$ 1,580.00

AUGUST 2020 TOTALS									
RELEASE	DEED	CURE	FORECLSR FEE	WITHDRAW	ESCROW	RESTART	RESCISSION	REDEMPTION FEE	TOTAL
80	0	1	5	0	0	0	0	0	86
\$ 1,200.00	\$ -	\$ 35.00	\$ 750.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,985.00

SEPTEMBER 2020 TOTALS									
RELEASE	DEED	CURE	FORECLSR FEE	WITHDRAW	ESCROW	RESTART	RESCISSION	REDEMPTION FEE	TOTAL
125	0	0	1	0	0	0	0	0	126
\$ 1,875.00	\$ -	\$ -	\$ 150.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,025.00

3RD QUARTER 2020 TOTALS									
RELEASE	DEED	CURE	FORECLSR FEE	WITHDRAW	ESCROW	RESTART	RESCISSION	REDEMPTION FEE	TOTAL
308	0	1	6	1	0	0	0	0	316
\$ 4,620.00	\$ -	\$ 35.00	\$ 900.00	\$ 35.00	\$ -	\$ -	\$ -	\$ -	\$ 5,590.00



October 1, 2020

Board of County Commissioners
315 Main Street
Sterling, CO 80751

RE: Window Restoration Bid

Dear Commissioners:

I recommend accepting Schlenz Builders, Inc. bid in the amount of \$22,518.00 for restoration of windows and doors at the Logan County Courthouse. There are sufficient funds set aside in the Buildings and Grounds budget for 2020 to complete this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Chance Wright", is written over a horizontal line.

Chance Wright
Buildings and Grounds Supervisor

/jc



1026 N Division Avenue ♦ Sterling, CO 80751 ♦ Phone: 970-522-4535

Logan County Courthouse
315 Main St.
Sterling, Colorado 80751

September 25, 2020

All,

I am pleased to present this bid for the following restoration work for the west side of the Logan County Courthouse.

Labor and materials to perform the following work:

- | | | |
|-----------------------------------------------|-------|----------|
| • Repair hail damage to windows on west side. | Total | \$22,518 |
| • Exterior repairs and repaint of windows. | Total | \$4,750 |
| • Re-rope and re-varnish interior of windows. | | |

Sincerely

Patrick Steward
Schlenz Builders

RESOLUTION

NO. 2020-35

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LOGAN COUNTY, COLORADO, APPROVING THE VACATION OF THE PLATTED SUNRISE CIRCLE, SUNRISE LANE AND LOTS 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 AND 19, BLOCKS 1 AND 2 OF SUNRISE KNOLL, PHASE II, LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW1/4NW1/4) OF SECTION 30, TOWNSHIP 8 NORTH, RANGE 52 WEST OF THE SIXTH PRINCIPAL MERIDIAN, LOGAN COUNTY, COLORADO.

WHEREAS, Gary Schlenz, agent pursuant to a P.O. A. for The Rosemary Schlenz Estate, owner of Sunrise Circle, Sunrise Lane and Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, Blocks 1 and 2, Sunrise Knoll, Phase II, has petitioned the Board of County Commissioners of Logan County, Colorado to vacate the platted Sunrise Circle, Sunrise Lane and Lots 9 - 19, Blocks 1 and 2, Sunrise Knoll, Phase II, for the purpose of a replat; and

WHEREAS, the platted Sunrise Circle and Sunrise Lane proposed to be vacated have never been developed for use as public roads and are unneeded for public access; and

WHEREAS, the platted Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 proposed to be vacated have never been sold or developed for use; and

WHEREAS, the proposed vacation will not leave any land without an established public road or private access, and will not adversely affect any other lots in the subdivision; and

WHEREAS, the Logan County Planning Commission, after reviewing the application and conducting a public hearing on the application, recommended the approval of the application to vacate Sunrise Circle, Sunrise Lane and Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, Blocks 1 and 2 of Sunrise Knoll, Phase II, at its regular meeting on September 15, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Logan County, Colorado, that the application submitted by Gary Schlenz, agent under a P.O. A for The Rosemary Schlenz Estate, is GRANTED to the extent that the platted Sunrise Circle, Sunrise Lane and Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, Blocks 1 and 2, Sunrise Knoll, Phase II (as platted on the Official Subdivision Plat recorded in Book 964, Page 950 on May 25, 2006) are hereby vacated.

DONE on Tuesday, this 6th day of October, 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 County of Logan and State of Colorado, in regular session on this 6th day of October, 2020.

County Clerk and Recorder

LOGAN COUNTY VACATION APPLICATION
BOARD OF COUNTY COMMISSIONERS
DEPARTMENT OF PLANNING & ZONING
315 MAIN STREET, STERLING, CO 80751
(970) 522-7879

Type of Vacation:

- () Alley
() Platted Street
() County Road
() Subdivision Exemption
☒ Subdivision

Location of Vacation:

Legal: Quarter NW4NW4 Section 30 Township 8 Range 52
Lot 9-19 Block _____ Address _____

Description of Vacation: VACATING BUILDING LOTS. LOTS NO LONGER DESIREABLE.

Reason for Vacation: WANT TO COMBINE TO ONE LARGE BUILDING LOT.

Landowner's Signature: Rosemary Schlenz for May Schlenz P.O.A. Date: 7-15-20

Landowner: ROSEMARY SCHLENZ EST. Phone: 522-4535

Address: 1026 N. DIVISION AVE. STERLING, CO 80751

**SCHLENZ, ROSEMARY ESTATE
2020-Subdivision Vacation & Replat
Lots 9-19 NW4SW4 30-08-52**

PETITION FOR VACATION

TO: THE BOARD OF COUNTY COMMISSIONERS
LOGAN COUNTY, COLORADO

Applicant: Rosemary Achley by
Hay Achley POA Phone: 520-5838
522-4535

Address: 1026 N. Division Ave, Sterling Co 80751

Applicant's Signature: Hay Achley Date: 9-8-20

Landowner: Rosemary Schlenz Estate Phone: 522-4535

Address: 1026 N. Division Ave., Sterling, CO. 80751

* Landowner's Signature: Rosemary Schlenz Date: 10/1/2020
by Linda S Thomas POA

Landowner: _____ Phone: _____

Address: _____

Landowner's Signature: _____ Date: _____

Landowner: _____ Phone: _____

Address: _____

Landowner's Signature: _____ Date: _____

Landowner: _____ Phone: _____

Address: _____

Landowner's Signature: _____ Date: _____

Landowner: _____ Phone: _____

Address: _____

Landowner's Signature: _____ Date: _____

Landowner: _____ Phone: _____

Address: _____

Landowner's Signature: _____ Date: _____

SCHLENZ, ROSEMARY ESTATE
2020- Subdivision Vacation & Replat
Lots 9-19 NW4SW4 30-08-52

FOR COUNTY USE:

pd. 100.00
#1234
7-31-20

Application Fee: One hundred dollars (\$100.00) Thirteen Dollar (\$13.00) one page OR
Twenty-three Dollar (\$23.00) two pages – Separate check for Recording fee

Date of Planning Commission: _____

Recommendation of Planning Commission: ☒ Approval _____ Denial

Recommended Conditions of Vacation: _____



Chairman, Planning Commission

COUNTY COMMISSIONERS ACTION:

Conditions of Vacation: _____

Date Granted: _____

Date Denied: _____

SCHLENZ, ROSEMARY ESTATE
2020-Subdivision Vacation & Replat
Lots 9-19 NW4SW4 30-08-52

Byron H. Pelton (Aye) (Nay)

Joseph A. McBride (Aye) (Nay)

Jane E. Bauder (Aye) (Nay)

RESOLUTION

NO. 2020-36

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LOGAN COUNTY, COLORADO, APPROVING THE RE-PLAT OF LOTS 1, 2, AND 3, SUNRISE KNOLL, PHASE I, AND THE VACATED SUNRISE LANE AND SUNRISE CIRCLE CONTIGUOUS TO LOTS 1, 2, AND 3, SUNRISE KNOLL, PHASE I, LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW1/4NW1/4) OF SECTION 30, TOWNSHIP 8 NORTH, RANGE 52 WEST OF THE SIXTH PRINCIPAL MERIDIAN, LOGAN COUNTY, COLORADO.

WHEREAS, Gary Schlenz, agent pursuant to a P.O. A. for The Rosemary Schlenz Estate, has petitioned the Board of County Commissioners of Logan County, Colorado to re-plat the following legally described property:

IN RE: The vacated Sunrise Circle, Sunrise Lane and Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, Blocks 1 and 2, Sunrise Knoll, Phase II to Lots 1, 2, and 3, Sunrise Knoll, Phase I, located in the NW1/4NW1/4 of Section 30, Township 8 North, Range 52 West of the Sixth Principal Meridian, Logan County, Colorado.

WHEREAS, the Board of County Commissioners of Logan County met in regular session on September 29, 2020 and approved an application to vacate Sunrise Circle, Sunrise Lane and Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, Blocks 1 and 2, Sunrise Knoll, Phase II; and

WHEREAS, the proposed re-plat of the vacated Sunrise Lane, Sunrise Circle and Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, Sunrise Knoll, Blocks 1 and 2, Phase II will consolidate Lots 13 and 14 and a portion of the vacated contiguous Sunrise Lane, into one lot to be known as Lot 1, and will consolidate Lots 15 and 16 and a portion of the vacated contiguous Sunrise Lane into another lot to be known as Lot 2; and Lots 9, 10, 11, 12, 17, 18, and 19, and portions of the vacated contiguous Sunrise Lane and Sunrise Circle will be consolidated into one lot to be known as Lot 3, Sunrise Knoll, Phase I; and

WHEREAS, the Logan County Planning Commission, after reviewing the application and conducting a public hearing on the application, recommended the approval of the application to re-plat the subdivision as described above at its regular meeting on September 15, 2020; and

WHEREAS, the Board of County Commissioners of Logan County met in regular session on October 6, 2020, after due notice as provided by law, to consider the application to replat the subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Logan County, Colorado, that the application submitted by Gary Schlenz, acting as agent pursuant to a P.O. A for The Rosemary Schlenz Estate, to re-plat the above-described lots into Lots 1, 2, and 3, Sunrise Knoll, Phase I, as shown on Official Plat No. 2020- 36, is hereby GRANTED, subject to the following conditions:

- a. The applicant shall be responsible for complying with all conditions or requirements set forth in the Logan County Zoning Resolution and Subdivision Regulations.
- b. The applicant shall be responsible for complying with all conditions or requirements of any applicable homeowners's association covenants.

All supporting information submitted by the applicant for consideration of the application forms part of the basis of the approval of the application.

DONE on Tuesday, this 6th day of October, 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 County of Logan and State of Colorado, in regular session on this 6th day of October, 2020.

County Clerk and Recorder

Date Received in the Office of the Director of Planning: 7-15-20
Application (is) (is not) complete as submitted.
Named individual reviewing the submitted application: _____

FORM 5. APPLICATION FOR FINAL PLAT APPROVAL

(To be filed in duplicate)

(Incomplete Applications will not be accepted)

Date 7/15/20

Major _____

Minor X

1. Name of Subdivision Sunrise Knoll
2. Name of Applicant Gary Schlenz Phone 520-5838
Address 1026 N. Division Ave. Sterling, Co. 80751
(Street No. and Name) (Post Office) (State) (Zip Code)
3. Name of Local Agent _____ Phone _____
Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)
4. Owner of Record Rosemary Schlenz Est. Phone 522-4535
Address 1026 N. Division Ave. Sterling, CO 80751
(Street No. and Name) (Post Office) (State) (Zip Code)
5. Engineer _____ Phone _____
Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)
6. Land Surveyor Leibert McAtee Phone 970-522-1960
Address 615 S. 10th Ave. Sterling, CO. 80751
(Street No. and Name) (Post Office) (State) (Zip Code)
7. Attorney _____ Phone _____
Address _____
(Street No. and Name) (Post Office) (State) (Zip Code)
8. Subdivision Location: on the South side of County Road 30
____ Feet ____ of ____
(Direction) (Street)
9. Postal Delivery Area _____ School District _____
10. Total Acreage _____ Zone Ag Number of Lots 3
11. Tax Map Designation: Article _____ Lot(s) _____

SCHLENZ, ROSEMARY ESTATE
2020-Subdivision Vacation & Replat
Lots 9-19 NW4SW4 30-08-52

12. Has the Board of Adjustment granted variance, exception, or conditional permit concerning this property?

If so, list Case No. and Name _____

13. Date of sketch plat approval _____

14. Date of preliminary plat approval _____

15. Have any changes been made since this plat was last before the Commission?

List all contiguous parcels in the same ownership:

Section/Township/Range _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective parcels of land were acquired, together with the book and page of each conveyance to the present owner as recorded with the Logan County Clerk and Recorder. This affidavit shall indicate the current legal owner of the property; the prior owner of the property, and the date the Deed of Sale was executed. IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers, and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached [this need only be provided if Developer is requesting special assessment financing, the formation of improvement district(s)].

The applicant hereby consents to the provisions of §30-28-133, 30-28-133.1 or 30-28-137. Any applicable time periods may be extended by the county to receive a recommendation from any agency to which a plat has been referred or providing that the decision of the Planning Commission shall be made within sixty (60) days after the first meeting of the Planning Commission where the plan or plat was referred pursuant to § 30-28-136, but such extension shall not exceed thirty (30) days unless the agency has notified the county that it will require additional time to complete its recommendation.

STATE OF COLORADO)
) SS:
COUNTY OF LOGAN)

I, Gary Schlenz hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Gary Schlenz -
(Signature)

Linda Thomas ^{POA}
Linda Thomas

SCHLENZ, ROSEMARY ESTATE
2020- Subdivision Vacation & Replat
Lots 9-19 NW4SW4 30-08-52

Mailing Address _____
(Street)

(County) (State) (Zip)
Code

Subscribed and sworn to before me this day of _____

MY COMMISSION EXPIRES:

FOR COUNTY USE:

Application Fee: One hundred dollars (\$100.00) Thirteen Dollar (\$13.00) one page OR ^{Pd 100.00} # 1234

7/31/20

Twenty-three Dollar (\$23.00) two pages – Separate check for Recording fee

Date of Planning Commission: _____

Recommendation of Planning Commission: ☒ Approval _____ Denial

Recommended Conditions of Subdivision Final Plat Approval: _____



Chairman, Planning Commission

COUNTY COMMISSIONERS ACTION:

Conditions of Subdivision Final Plat Approval: _____

Date Granted: _____

Date Denied: _____

Byron H. Pelton (Aye) (Nay)

Joseph A. McBride (Aye) (Nay)

Jane E. Bauder (Aye) (Nay)

SCHLENZ, ROSEMARY ESTATE
2020-Subdivision Vacation & Replat
Lots 9-19 NW4SW4 30-08-52

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106

CONSTRUCTION MATERIALS REGULAR (112) OPERATION RECLAMATION PERMIT APPLICATION FORM



Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Ronald W. Cattany
Division Director
Natural Resource Trustee

CHECK ONE: ☐ There is a File Number Already Assigned to this Operation

Permit # M - - - (Please reference the file number currently assigned to this operation)

☐ New Application (Rule 1.4.5) ☐ Amendment Application (Rule 1.10)

☐ Conversion Application (Rule 1.11)

Permit # M - - - (provide for Amendments and Conversions of existing permits)

The application for a Construction Materials Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit; and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit, and a check for the application fee described under Section (4) below. Exhibits should **NOT** be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION

Type or print clearly, in the space provided, ALL information requested below.

1. Applicant/operator or company name (name to be used on permit): Logan County
 - 1.1 Type of organization (corporation, partnership, etc.): County government
2. Operation name (pit, mine or site name): Barkley Pit
3. Permitted acreage (new or existing site): 50.0 permitted acres
 - 3.1 Change in acreage (+) acres
 - 3.2 Total acreage in Permit area 50.0 acres
4. Fees:

4.1 New Application	<u>\$2,696.00</u>	application fee
4.2 New Quarry Application	\$2,342.00	quarry application
4.4 Amendment Fee	\$2,229.00	amendment fee
4.5 Conversion to 112 operation (set by statute)	\$2,696.00	conversion fee
5. Primary commodity(ies) to be mined: gravel , sand, borrow
 - 5.1 Incidental commodity(ies) to be mined:
 1. NA - lbs/Tons/yr
 2. / lbs/Tons/yr
 3. / lbs/Tons/yr
 4. / lbs/Tons/yr
 5. / lbs/Tons/yr
 - 5.2 Anticipated end use of primary commodity(ies) to be mined: Aggregates and borrow materials
 - 5.3 Anticipated end use of incidental commodity(ies) to be mined: NA

6. **Name of owner of subsurface rights of affected land:** Barkley Ventures, LLC.
If 2 or more owners, "refer to Exhibit O".

7. **Name of owner of surface of affected land:** Barkley Ventures, LLC.

8. **Type of mining operation:** ☒ Surface ☐ Underground

9. **Location Information:** The center of the area where the majority of mining will occur:

COUNTY: Logan

PRINCIPAL MERIDIAN (check one): ☒ 6th (Colorado) ☐ 10th (New Mexico) ☐ Ute

SECTION (write number): S 17

TOWNSHIP (write number and check direction): T 6 ☒ North ☐ South

RANGE (write number and check direction): R 49 ☐ East ☒ West

QUARTER SECTION (check one): ☐ NE ☐ NW ☒ SE ☐ SW

QUARTER/QUARTER SECTION (check one): ☐ NE ☒ NW ☐ SE ☐ SW

GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): _____
Approximately 13 miles south and one mine west of Flemming, CO. Approx. Elevation 4300

10. **Primary Mine Entrance Location** (report in either Latitude/Longitude **OR** UTM):

Latitude/Longitude:

Example: (N) 39° 44' 12.98"
(W) 104° 59' 3.87"

Latitude (N): deg 40 min 29 sec 48 .60 (2 decimal places)

Longitude (W): deg 102 min 51 sec 55 .03 (2 decimal places)

OR

Example: (N) 39.73691°
(W) -104.98449°

Latitude (N) _____ (5 decimal places)

Longitude(W) _____ (5 decimal places)

OR

Universal Tranverse Mercator (UTM)

Example: 201336.3 E NAD27 Zone 13
4398351.2 N

UTM Datum (specify NAD27, NAD83 or WGS 84) WGS 84 Zone 13

Easting _____

Northing _____

11. **Correspondence Information:**

APPLICANT/OPERATOR (name, address, and phone of name to be used on permit)

Contact's Name: Joseph A. McBride Title: Chairman - Board of County Commissioners
Company Name: Logan County
Street/P.O. Box: 315 Main Street, Suite 2 P.O. Box: _____
City: Sterling
State: CO Zip Code: 80751
Telephone Number: (970) - 522-0880
Fax Number: (970) - 522-4018

PERMITTING CONTACT (if different from applicant/operator above)

Contact's Name: Steve O'Brian Title: President
Company Name: Environment, Inc
Street/P.O. Box: 7985 Vance Dr. #205A P.O. Box: _____
City: Arvada
State: CO Zip Code: 80003
Telephone Number: (303) - 423-7297
Fax Number: (303) - 423-7599

INSPECTION CONTACT

Contact's Name: Jeff Reeves Title: Road Superintendent
Company Name: Logan County
Street/P.O. Box: 12603 CR 33 P.O. Box: _____
City: Sterling
State: CO Zip Code: 80751
Telephone Number: (970) - 522-6317
Fax Number: () -

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

CC: STATE OR FEDERAL LANDOWNER (if any)

Agency: _____
Street: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: () -

12. **Primary future (Post-mining) land use (check one):**

- | | | |
|--------------------------------------------------------|------------------------------------------|----------------------------------------------------|
| <input checked="" type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | | <input type="checkbox"/> Solid Waste Disposal(WD) |

13. **Primary present land use (check one):**

- | | | |
|--------------------------------------------------------|------------------------------------------|----------------------------------------------------|
| <input checked="" type="checkbox"/> Cropland(CR) | <input type="checkbox"/> Pastureland(PL) | <input type="checkbox"/> General Agriculture(GA) |
| <input type="checkbox"/> Rangeland(RL) | <input type="checkbox"/> Forestry(FR) | <input type="checkbox"/> Wildlife Habitat(WL) |
| <input type="checkbox"/> Residential(RS) | <input type="checkbox"/> Recreation(RC) | <input type="checkbox"/> Industrial/Commercial(IC) |
| <input type="checkbox"/> Developed Water Resources(WR) | | |

14. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel): Dozer and front end loaders move pit run materials to stockpiles.

15. **On Site Processing:** ☐ Crushing/Screening

13.1 Briefly explain mining method (e.g. truck/shovel): _____

List any designated chemicals or acid-producing materials to be used or stored within permit area: _____

None

16. **Description of Amendment or Conversion:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s).

Maps and Exhibits:

Two (2) complete, unbound application packages must be submitted. One complete application package consists of a signed application form and the set of maps and exhibits referenced below as Exhibits A-S, Addendum 1, and the Geotechnical Stability Exhibit. Each exhibit within the application must be presented as a separate section. Begin each exhibit on a new page. Pages should be numbered consecutively for ease of reference. If separate documents are used as appendices, please reference these by name in the exhibit.

With each of the two (2) signed application forms, you must submit a corresponding set of the maps and exhibits as described in the following references to Rule 6.4, 6.5, and 1.6.2(1)(b):

EXHIBIT A	Legal Description
EXHIBIT B	Index Map
EXHIBIT C	Pre-Mining and Mining Plan Map(s) of Affected Lands
EXHIBIT D	Mining Plan
EXHIBIT E	Reclamation Plan
EXHIBIT F	Reclamation Plan Map
EXHIBIT G	Water Information
EXHIBIT H	Wildlife Information
EXHIBIT I	Soils Information
EXHIBIT J	Vegetation Information
EXHIBIT K	Climate Information
EXHIBIT L	Reclamation Costs
EXHIBIT M	Other Permits and Licenses
EXHIBIT N	Source of Legal Right-To-Enter
EXHIBIT O	Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined
EXHIBIT P	Municipalities Within Two Miles
EXHIBIT Q	Proof of Mailing of Notices to County Commissioners and Conservation District
EXHIBIT R	Proof of Filing with County Clerk or Recorder
EXHIBIT S	Permanent Man-Made Structures
Rule 1.6.2(1)(b)	ADDENDUM 1 - Notice Requirements (sample enclosed)
Rule 6.5	Geotechnical Stability Exhibit (any required sections)

The instructions for preparing Exhibits A-S, Addendum 1, and Geotechnical Stability Exhibit are specified under Rule 6.4 and 6.5 and Rule 1.6.2(1)(b) of the Rules and Regulations. If you have any questions on preparing the Exhibits or content of the information required, or would like to schedule a pre-application meeting you may contact the Office at 303-866-3567.

Responsibilities as a Permittee:

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;

- _____ 2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;
- _____ 3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;
- _____ 4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;
- _____ 5. It is your responsibility to notify the Office of any changes in your address or phone number;
- _____ 6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):
- a. the name of the operator;
 - b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,
 - c. the permit number.
- _____ 7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.
- _____ 8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.
- _____ 9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.
- NA _____ 10. For joint venture/partnership operators: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.

NOTE TO COMMENTORS/OBJECTORS:

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office's review and decision or appeals process, you may contact the Office at (303) 866-3567.

Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.).
2. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.;
3. As the applicant/operator, I do not have any extraction/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.) as determined through a Board finding.
4. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.

Signed and dated this _____ day of _____, _____.

Logan County
Applicant/Operator or Company Name

If Corporation Attest (Seal)

Signed: _____

Signed: _____

Corporate Secretary or Equivalent

Title: Chairman - Board of County Commissioners

Town/City/County Clerk

State of _____)
_____) ss.
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
_____, by Joseph A. McBride as Chairman - Board of County Commissioners of Logan County

Notary Public

My Commission expires: _____

SIGNATURES MUST BE IN BLUE INK

You must post sufficient Notices at the location of the proposed mine site to clearly identify the site as the location of a

AGREEMENT TO USE LOGAN COUNTY RIGHT OF WAY
INDIVIDUAL PERMIT

THIS AGREEMENT made this (County fills in) 6 day of October, 2020, by and between the County of Logan, State of Colorado, hereinafter called "County", and 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): 7811 5TH ST. ATWOOD.

_____; and
WHEREAS, Applicant desires to install and construct a new gas service line, which will be located (**Circle One**): along, bore under ~~or trench across~~ 5TH ST., 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 5TH ST., 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 11/1/2020.
- ☒ 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.

SITEWISE for XCEL
ROW2020-22
1 Bore 7811 5th St.. Atwood

☒ Applicant hereby releases the County from any liability for damages caused by said gas service 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: _____

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

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

Application Fee Paid \$100.00 # 1323

Date 9/29/20

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

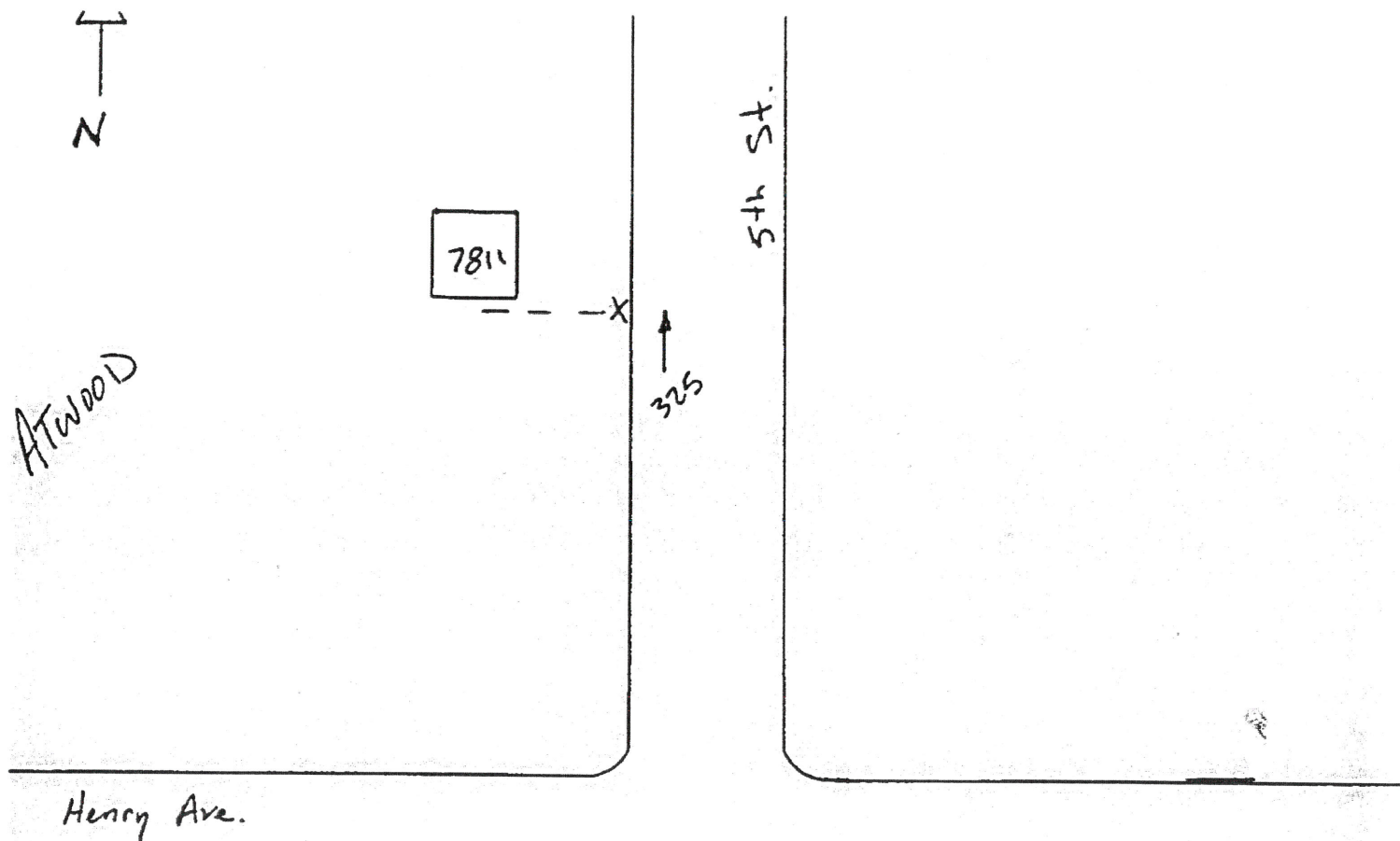
**THE BOARD OF COUNTY COMMISSIONERS
LOGAN COUNTY, COLORADO**

Byron H. Pelton (Aye) (Nay)

Joseph A. McBride (Aye) (Nay)

Jane E. Bauder (Aye) (Nay)

**SITewise for XCEL
ROW2020-22
1 Bore 7811 5th St., Atwood**



Work will begin at point (X) 325' north of the intersection of Henry Ave. on the west side of 5th St. At this point we will bore west into the property at 7811 5th St.

SITewise for XCEL
ROW2020-22
1 Bore 7811 5th St., Atwood

AGREEMENT TO USE LOGAN COUNTY RIGHT OF WAY
INDIVIDUAL PERMIT

THIS AGREEMENT made this (County fills in) 6 day of October, 2020, by and between the County of Logan, State of Colorado, hereinafter called "County", and 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): 7801 5TH ST. ATWOOD.

_____ ; and

WHEREAS, Applicant desires to install and construct a new gas service line, which will be located (**Circle One**): along, bore under, or trench across 5TH ST., 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:

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- ☒ Applicant shall have the right to install and construct new gas service line, described above, in the right of way of 5TH ST., 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 10/31/2020.
- ☒ 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.

SITewise for XCEL
ROW2020-23
1 Bore 7801 5th St., Atwood

☒ Applicant hereby releases the County from any liability for damages caused by said gas service 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.

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Owner #1

Printed name

Signature

Owner #2

Printed Name

Signature

Individual Right-of-Way Permit Applicant:

Cindy Lawley

Printed name

Cindy Lawley

Signature

Address: 4725 Independence St.

Wheatridge, CO 80033

Application Fee Paid \$100.00 ¹⁰1324

Date 9/29/20

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

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

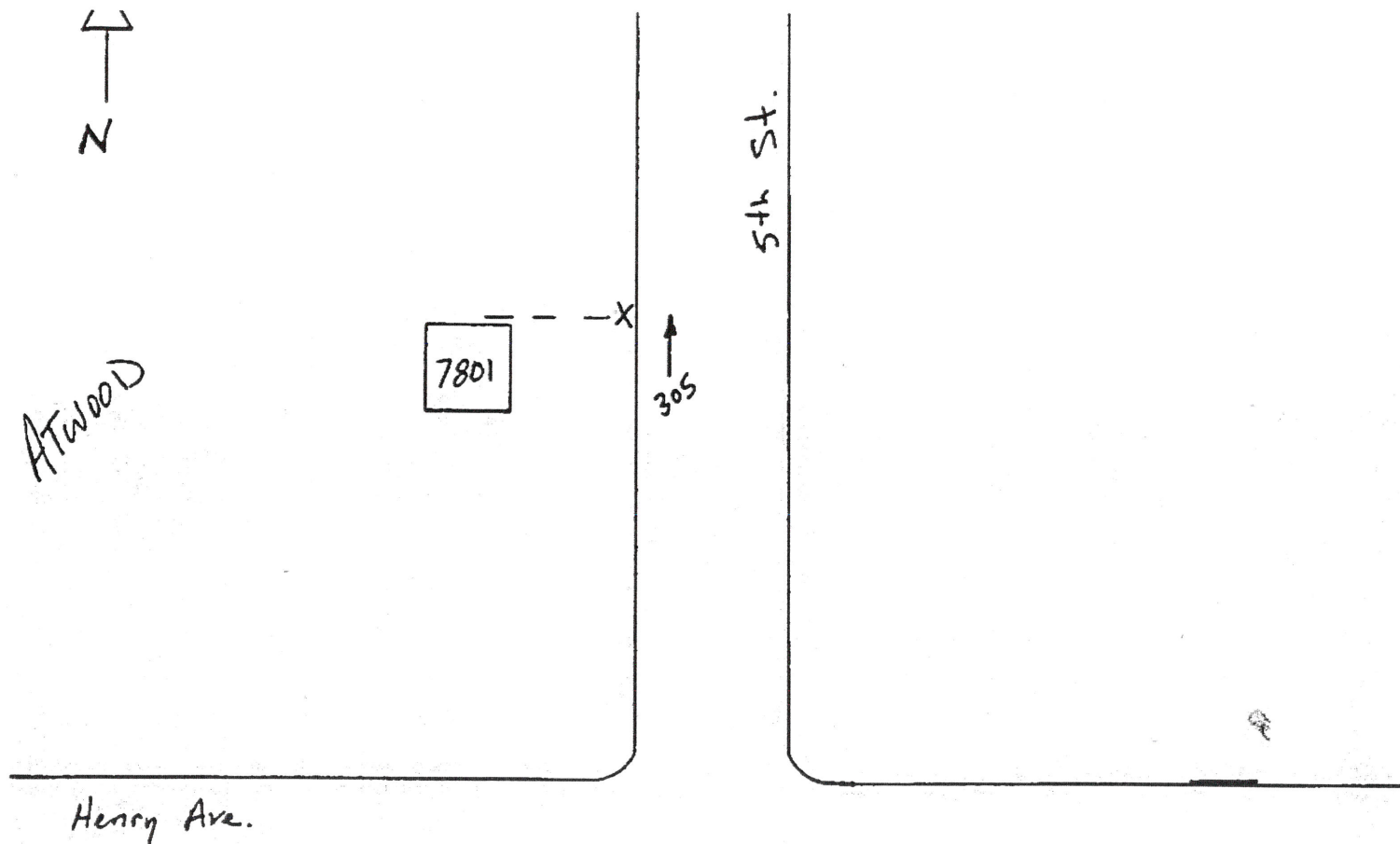
Byron H. Pelton (Aye) (Nay)

Joseph A. McBride (Aye) (Nay)

Jane E. Bauder (Aye) (Nay)

**SITewise for XCEL
ROW2020-23**

1 Bore 7801 5th St., Atwood



work will begin at point (X) 305' north of the intersection of Henry Ave. on the west side of 5th St. At this point we will bore west into the property at 7801 5th St.

SITewise for XCEL
ROW2020-23
1 Bore 7801 5th St., Atwood