

AGENDA
MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS
Assembly Room, Administration Building
231 Ensign Street, Fort Morgan, CO 80701
Tuesday, January 9, 2024

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/89898467950> If you cannot connect via Zoom, you may submit written public comment to morgancountybcc@co.morgan.co.us by email by 4 p.m. on Monday January 08, 2024.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/89898467950> to listen via phone, please dial: 1-312-626-6799, Meeting ID: 898 9846 7950

To watch and/or listen to the meeting but not participate, you may do so by connecting via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/89898467950> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 898 9846 7950

9:00 A.M.

A. WELCOME – CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL:

**Commissioner Becker
Commissioner Westhoff
Commissioner Arndt**

B. CITIZEN'S COMMENT PERIOD

Citizens are invited to speak to the Commissioners on agenda or non-agenda items. There is a 3 minute time limit per person, unless otherwise noted by the Chairman. Please note that no formal action will be taken on these items during this time due to the open meeting law provision; however, they may be placed on future posted agenda if action is required.

C. CONSENT AGENDA

All matters under the consent agenda are considered to be routine by the Board of County Commissioners and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, any Board member may ask that the item be removed from the Consent Agenda and considered separately:

1. Ratify the Board of County Commissioners approval of meeting minutes dated December 19, 2023
2. Ratify the Board of County Commissioners approval of Contract 2024 CNT 001, Viaero Wireless, Term of Contract December 15, 2023 through December 14, 2028.
3. Ratify the Board of County Commissioners approval of Contract 2024 CNT 002, Command Service Systems, Term of Contract January 1, 2024 through December 31, 2024.

*Morgan County is committed to making its public meetings accessible to persons with disabilities. If you need special accommodations, please call (970)542-3500, extension 1410, at least 2 business days in advance of a meeting to make arrangements

4. Ratify the Board of County Commissioners approval of Contract 2024 CNT 003, Quad County Heating and Plumbing Inc, Term of Contract December 19, 2023 through July 1, 2024.
5. Ratify the Board of County Commissioners approval of Contract 2024 CNT 004, Buchanan Welding, Term of Contract January 1, 2024 through December 31, 2024.
6. Ratify the Board of County Commissioners approval of Contract 2024 CNT 005, Wiggins Electric, Term of Contract January 1, 2024 through December 31, 2024.
7. Ratify Chairman Gordon Westhoff's signature on Colorado Liquor Retail License Renewal Application for Russell D Croft and Victoria V Visser dba The Flame Steakhouse, signed December 19, 2023.
8. Ratify the Board of County Commissioners approval on Memorandum of Understanding 2024 MOU 01, School of EMS, Term of Contract January 1, 2024 through December 31, 2024.
9. Ratify Chairman Westhoff's signature on Eligible Governmental Entity Agreement with the Colorado Statewide Internet Portal Authority, signed December 5, 2023.
10. Ratify the Board of County Commissioners approval on Morgan County Fairgrounds Fee Waiver Request for Colorado Chapters of Family Campers & Rvers, signed December 4 2023.
11. Ratify Chairman Gordon Westhoff's signature on the Storm Water Inspection Report, Inspection Date December 27, 2023 signed January 4, 2024.
12. Ratify the Board of County Commissioners approval on assignment of debt collections to Wakefield and Associates, Client #231575, #231821, #231890, #232216, #231783, #231045, #231042, #231842, #232007, #231849, #231679, #231731, #231702, #231812, #231780, #232029, #231991, #231446, #230133, #232107, #232053, #231958, #230953, #231995, #232046, #231777, #231629A, #231710, #231424, #231462, #230863, #230890, #231843, #232039, #231903, #232032.

D. UNFINISHED BUSINESS

E. REORGANIZATION OF THE BOARD

Refer to 2024 Reorganization Meeting Schedule

F. GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

1. Consideration of Approval – **Resolution 2024 BCC 01** Resolution Establishing Morgan County Business Hours
2. Consideration of Approval – **Resolution 2024 BCC 02** Resolution of Financial Authority of County Officials and Employees, Bank of Colorado
3. Consideration of Approval – **Resolution 2024 BCC 03** Resolution Establishing a Designated Public Place for the Posting of Meeting Notices as Required by the Colorado Open Meetings Law
4. Consideration of Approval – **Resolution 2024 BCC 04** Resolution Appointing an Administrative Assistant to the Board Pursuant to C.R.S. 30-11-107(1)(n)
5. Consideration of Approval – **Resolution 2024 BCC 05** A Resolution Summarizing Expenditures And Revenues For Each Fund Adopting A Budget For Morgan County, Colorado, For The Calendar Year Beginning On The First Day Of January 2024, And Ending On The Last Day Of December 2024 (Lori Crispin, Interim Finance Director)
6. Consideration of Approval – **Resolution 2024 BCC 06** A Resolution Levying General Property Taxes For The Year 2023, To Help Defray The Costs Of Government For The County Of Morgan, Colorado, For The 2024 Budget Year (Lori Crispin, Interim Finance Director)

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7. Consideration of Approval – **Resolution 2024 BCC 07** A Resolution Appropriating Sums Of Money To The Various Funds And Spending Agencies, In The Amount As Set Forth, For The County Of Morgan, Colorado, For The 2024 Budget Year (Lori Crispin, Interim Finance Director)
8. Consideration of Approval – **MORGAN COUNTY FEE SCHEDULE 2024**
(Dusty Corliss, Accounting Specialist)

G. COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

1. Commissioners Calendar for week of January 05, 2024 through January 16, 2024

H. PUBLIC HEARING

1. **Applicant:** Smirk's Holding LLC

Landowner: Smirk's Holding LLC and The City of Fort Morgan

Legal Description: Located in the N½ of Section 25, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Also known as 17590 Co. Rd. T.5, Fort Morgan, CO 80701.

Request: Replat of Lot 1 of the Greek Estate Minor Subdivision and a parcel of land in the N½ of Section 25, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado.

I. ADJOURNMENT

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2024 Organizational Meeting Schedule

1. Motion to Sine Die
At this time meeting should be over to the Clerk & Recorder
2. Swearing In of Elected Officials
3. County Clerk Call to Order
4. Nominations for Chair
5. Nominations for Pro Tem Chair
6. At this time meeting should be turned back to the Chair of BCC
7. The Official paper for Morgan County
Fort Morgan Times
8. Publication of the Delinquent Taxes
Fort Morgan Times
9. Publication of the Public Notices
Fort Morgan Times
10. County Auditors
Watson, Coon & Ryan LLC
11. County Depositors for County Funds
Bank of Colorado (Pinnacle Bank) Fort Morgan & Brush, Colorado
BMO Bank Fort Morgan, Colorado
Brush State Bank Brush, Colorado
Colorado Local Government Liquid Asset Trust (COLOTRUST) Denver, Colorado
Colorado Surplus Asset Fund Trust (CSAFE) Denver, Colorado
Colorado Statewide Investment Program (CSIP) Denver, Colorado
Equitable Savings and Loan Association Fort Morgan, Colorado
Farmers State Bank of Brush Brush, Colorado
FMS Bank Fort Morgan, Colorado
Golden Belt Bank, FSA Fort Morgan, Colorado
High Plains Bank Wiggins, Colorado
Multi Bank Securities, Inc. Southfield, Michigan
Wells Fargo Bank, NA Fort Morgan, Colorado
12. Appointment of County Directors/Managers
Mindi Cloyd – Administrative Services Manager
Bruce Bass – Public Works Director
David Bute – Department of Human Services Attorney
Dave Cornwell – Building Maintenance Director
Lori Crispin – Interim Finance Director/Budget Officer
Roger Doll – Emergency Management Director
Travis Freeman – Ambulance Director
Karol Kopetzky – Information Systems Director
Cass Yearous – Environmental Director
Danette Martin – Communications Center Director
Jacque Frenier - Human Services Director
Margo Carney – Human Resource Specialist
Jeff Parker – Hoffmann, Parker, Wilson & Carberry, P.C. – County Attorney
Nicole Hay – Planning and Zoning Director/Floodplain Administrator
Vacant – Morgan County Veteran’s Services Officer
13. Appointment of Designated Emergency Response Authority
Roger Doll, Emergency Management Director,
Steve Vosburg Deputy Emergency Management – In the absence of Director

14. Appointment of Americans with Disabilities Act Coordinator for 2024
Margo Carney, Human Resources Specialist
15. Establish the rate of charge for E911 Emergency Telephone Service Rate (as per statute 29-11-103(3)(a) for Morgan County for 2024
\$1.97 E911 rate per phone number per month
16. Commissioner Committee appointments
Jon J. Becker:
 - a. Transportation Advisory Council and Upper Front Range – Representative
 - b. Statewide Transportation Advisory Committee – Representative
 - c. Morgan County Communication Center Board/911 Authority Board – Representative
 - d. Morgan County Economic Development Corp. – Representative
 - e. Morgan County Tourism Panel – Alternate
 - f. Northeast Colorado Health Department – AlternateMark A. Arndt:
 - a. Northeast Colorado Health Department – Representative
 - b. Fair Board – Ex-Officio
 - c. Morgan County Communication Center Board - AlternateGordon H. Westhoff:
 - a. Northeast Colorado Association of Local Government – Representative
 - b. Morgan County Tourism Panel – Ex Officio
 - c. Fort Morgan Chamber of Commerce – Ex-Officio
 - d. Brush Chamber of Commerce – Ex-Officio
 - e. Northeast All Hazards Region – Morgan County Representative
 - f. Just Transition Action Committee
 - g. Colorado Child Welfare Allocation Committee
 - h. Northeast Colorado Region 4 Opioid Council
17. Appointment as Chief Deputy Clerk in Absence of County Clerk:
Randee Aleman
18. Appointment as Deputy Clerk to the Board in absence of County Clerk:
Randee Aleman
Pat Mendoza
Carina Liebanos
Stephanie Amen
Mindi Cloyd
19. Appointment to witness and sign warrants that require hand signatures in the absence of Commissioners and County Clerk:
Randee Aleman
20. Appointment to witness and sign Morgan County Board Social/Human Services Meeting Document
Jacque Frenier
21. Appointment to witness and sign documents that require hand signatures in the absence of Planning and Zoning Administrator
Cheryl Brindisi
22. Appointments to Morgan County Building Authority, Inc.
No New Appointments for 2024
23. Appointments to the Planning Commission
Erik Mohrlang (12/31/26)
Pete Mercer (12/31/24)
Robert Pennington (12/31/24)
Nathan Troutdt (12/31/24)
Dave Musgrave (12/31/25)
Rob Chilson (12/31/26)
Vacant - Member
Allyn Wind – Alternate (12/31/25)

Vacant - Alternate

24. Appointments to the Board of Adjustments

Julie A. Padilla (12/31/26)
Charles Ruyle (12/31/24)
Jason Enfante (12/31/2025)
Allyn Wind (12/31/25)
Paula Keefe (12/31/24)
Vacant – Alternate
Vacant - Alternate

25. Appointment to Northeast Colorado Association of Local Governments for 2024
City of Brush (12/31/24)

26. Appointments to the Morgan County Weed Advisory Committee

David Colburn
Dale Colerick
Alan Lingo
John Wagner
Todd Wickstrom

27. Appointments to the Human Services Programs for 2024

Family Preservation Program Commission

Trish McClain – Northeast Colo. Health Department
Mary Gross – Morgan Family Center
Andrew McClary – Attorney at Law
Earleen Oswalt - Community Member
Britt Lover - CYDC
Shaleena McKie – Baby Bear Hugs
Jacque Frenier – Morgan County DHS, Director
Shantel Nelson – Morgan County DHS, CORE Coordinator
Jody Strouse – SHARE
Elaine Horton - IOG
Lyle Koch – Probation Officer
Doreen Hills - CHTA

Child Protection Team

Audra Unrein – Fort Morgan Middle School
Briette Tormohlen – Fort Morgan School District Social Worker Director
Brenda Wildrick – Centennial Mental Health
Heather Baier – Probation
Trish McClain – Northeast Colo. Health Department
Ashley Warren – Morgan County Sheriff's Office
Ted Thyne – Fort Morgan Police Department
Palmer Anguiano – Fort Morgan Police Department
Jody Strouse – SHARE
Paula Bragg – SARA House
Alisha Kauffman – Safecare
Jaylyn Holzworth – SPED Fort Morgan School District
Barb Wacker – Early Learning Ventures
Leah Lefever – Brush School District BOCES
Michelle Sooter – Brush Pre-K
Lana Schamberger – BOCES
Shaleena McKie – Baby Bear Hugs
Ashley Sepulveda – St. Elizabeth Hospital

Adult Protection Team

Alison Snider – Morgan County Department of Human Services
Isabel Wiens – Morgan County Department of Human Services
Carrie Schmeeckle – Morgan County Department of Human Services
Maribel Sintas – Morgan County Department of Human Services
Rogelio Segura – Morgan County Department of Human Services
David Bute – Department of Human Services Attorney
Andrew McClary – Attorney at Law
Erin Midcap – Valley View Villa
Palmer Anguiano – Fort Morgan Police Department

Ted Thyne – Fort Morgan Police Department
Brittany Lessenden – South Platee Health and Rehab
Lori Araujo – Eastern Colorado Services
Luann Boyer – Community Member
Paula Bragg – SARA House
Jody Strouse – SHARE
Allyson McMurray – LHC Home Health Care
Ashely Warren – Morgan County Sheriff’s Office
Deb Fostedt – SARA House
JJ Pursley – Banner Health
Dakota Alber – Area Agency on Aging
Leslie King – DHS Staff
Shauna Barbee – Morgan County Sheriff’s Office
William Bencomo – Fort Morgan Police Department
Sarah Christensen – Options Long Term Care
Citizens Review Panel
Lesley Linton – Morgan

28. Appointments to the Tourism Lodging Panel

Tyler Purvis – City of Brush
MaKyle Mares – Brush Chamber
Sandy Engle – City of Fort Morgan
Evi Salgado – Fort Morgan Chamber
Matt Schuler – Jackson Lake State Park
Christie Creighton – Northeast Colorado Broadcasting
Samantha Freedman – Best Western
Evan Baldwin – Rodeway Inn/Tha Mav
Cynthia Pope – Pope Farms

29. Appointments to the Extension Advisory Board

Mark Arndt - Commissioner
Jon Becker - Commissioner
Gordon Westhoff - Commissioner
Angela Smith
Bart Ginther
Colton Baltazar
Brian Downing
Pat Erlich
Dustin Heid
Christine Ely
Steve Kopetzky

30. Appointments to the Fair board

Jon Cook (term ends 12/31/26)
Emily Curtis (term ends 12/31/26)
Dave Sharman (term end 12/31/24)
Jason Frasco (term ends 12/31/24)
Carter Mortensen (term ends 12/31/24)
Dan Kendrick (term ends 12/31/24)
Matt Kalous (term ends 12/31/25)
Jill Westhoff-Curtis (term ends 12/31/25)
Erik Mohrlang (term ends 12/31/25)
Cara Draegert (term ends 12/31/25)
Vacant (term ends 12/31/26)

31. Appointment of Board of Equalization Arbitrators

Robert Pennington
Shelly Berhost
Scott Schreiner

32. Appointments to the Fort Morgan Pest Control District

Alan Meyer – President
Linda Carlson – Secretary
Kit Carlson – Member

Dan Lebsock – Member
Allen Walters – Member
Dave Arndt – Member

33. Appointments to the Wiggins Pest Control District

Alan Lingo
Dave Knievel
Tom Thomas
Ron Geisick
Jeff Bush

34. Appointment to Eastern Colorado Services for the Developmentally Disabled
Carrie Ankrom

35. Appointment to North East Colorado Health Department - Community Member-
Dr. Kevin Lindell, M.D. (term ends 12/31/2025)

36. Appointment to the Equal Employment Opportunity Officer C.F.R. Part 42,
Subpart G
Margo Carney, Human Resources Specialist

37. Appointment to the Section 504 Officer
Margo Carney, Human Resources Specialist

38. Adopt Holidays for County Employees for 2024
New Year's Day – January 1, 2024
Martin Luther King Day - January 15, 2024
President's Day - February 19, 2024
Memorial Day - May 27, 2024
Juneteenth – June 19, 2024
Independence Day - July 4, 2024
Labor Day - September 2, 2024
Columbus Day - October 14, 2024
Veteran's Day - November 11, 2024
Thanksgiving Day - November 28, 2024
Day after Thanksgiving Day - November 29, 2024
Christmas Day – December 25, 2024

39. Designated Posting Location for Board of County Commissioners
Meetings, Public Notices of Hearings as set by 2024 BCC 03
morgancounty.colorado.gov

In The Event Of Technical Difficulty, Posting Locations Will Defer To The
Administration Building On The Main Floor, East Entrance Board And Basement Level
Board Next To Planning And Zoning Office.

40. Contact Designation for Open Records Requests for 2024
Kevin Strauch, County Clerk & Recorder
Jon Horton, Morgan County Colorado Criminal Justice Record Act

**MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION 2024 BCC 01

A RESOLUTION ESTABLISHING MORGAN COUNTY BUSINESS HOURS

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

1. The normal working hours of Morgan County Government shall be from 8:00AM to 4:00 PM, Monday through Friday, except for county holidays and emergencies. Individual departments and offices may adopt a different schedule to accommodate their individual duties.

APPROVED this 9th day of January, 2024.

**BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO**

Chairman

Date

Commissioner

Date

Commissioner

Date

ATTEST:
(Seal)

Clerk to the Board

**MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2024 BCC 02

**A RESOLUTION UPDATING THE FINANCIAL AUTHORITY OF COUNTY OFFICIALS AND
EMPLOYEES RELATING TO COUNTY BANK ACCOUNTS**

WHEREAS, the County Commissioners desire to update which County officials have authority to open or close accounts; endorse for cash, deposit, negotiation, collection; sign checks or orders for payment; or execute fund withdrawal requests from County bank accounts on behalf of the County.

NOW THEREFORE be it resolved by the Morgan County Board of County Commissioners as follows:

Section 1. The following County Officials are hereby authorized to open or close accounts; endorse for cash, deposit, negotiation, collection; sign checks or orders for payment; or execute fund withdrawal request from the following County bank account.

a. Bank of Colorado, Morgan County, Board of Commissioners Account Number 6700006937

Mark A. Arndt, County Commissioner
Jon J. Becker, County Commissioner
Gordon H. Westhoff, County Commissioner
Kevin Strauch, County Clerk and Recorder
Robert A. Sagel, County Treasurer

Section 2. No withdrawal request shall be effective unless execute by two of the above-named individuals.

Section 3. All previous authorizations relating to the same subject matter are hereby repealed.

APPROVED this 9th day of January 2024.

**BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO**

Chairman Date

Commissioner Date

ATTEST: _____ Commissioner _____ Date _____
(Seal)

Clerk to the Board

**MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION 2024 BCC 03

**A RESOLUTION ESTABLISHING A DESIGNATED PUBLIC PLACE FOR THE
POSTING OF MEETING NOTICES AS REQUIRED BY THE COLORADO OPEN
MEETINGS LAW**

WHEREAS, pursuant to C.R.S. § 24-6-402(2)(c), the Board of County Commissioners must, at the first meeting of each year, designate a public place where notices of meetings will be posted.

NOW THEREFORE be it resolved by the Morgan County Board of County Commissioners as follows:

1. The designated public place for the posting of meeting notices as required by the Colorado Open Meetings Law, C.R.S. § 24-6-402(2)(c) shall be <https://morgancounty.colorado.gov/>. The previous posting locations at Morgan County offices, 231 Ensign, Fort Morgan, CO 80701, in the basement, outside of the Planning/Zoning Department and outside the door of the County Clerk & Recorder Department, will be maintained as a courtesy to the citizens of Morgan County or in the event of technology disruption.

2. The County Clerk or his designated representative shall be responsible for posting the required notices no later than twenty-four (24) hours prior to the holding of a meeting. All meeting notices shall include specific agenda information where possible.

APPROVED this 9th day of January 2024.

**BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO**

Chairman

Date

Commissioner

Date

Commissioner

Date

ATTEST:
(Seal)

Clerk to the Board

**MORGAN COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION 2024 BCC 04

**A RESOLUTION APPOINTING AN ADMINISTRATIVE ASSISTANT TO THE BOARD
PURSUANT TO C.R.S. § 30-11-107(1)(n)**

WHEREAS, pursuant to C.R.S. § 30-11-107(1)(n), the Board of County Commissioners may appoint an Administrative Assistant to the Board.

NOW THEREFORE be it resolved by the Morgan County Board of County Commissioners as follows:

1. Mindi Cloyd is hereby appointed as the Morgan County Administrative Assistant to the Board of County Commissioners with said duties as stated in the Morgan County Position Description. Pursuant to C.R.S. § 30-11-107(1)(n), Ms. Cloyd shall serve at the pleasure of the Board of County Commissioners.

APPROVED this 9th day of January, 2024.

**BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO**

Chairman	Date
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Commissioner	Date
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Commissioner	Date
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ATTEST:
(SEAL)

Clerk to the Board

RESOLUTION 2024 BCC 05

RESOLUTION TO ADOPT BUDGET

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND ADOPTING A BUDGET FOR MORGAN COUNTY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2024, AND ENDING ON THE LAST DAY OF DECEMBER 2024.

WHEREAS, the Board of County Commissioners of Morgan County has appointed Budget Officer, Lori Crispin, to prepare and submit the proposed budget to said governing body at the proper time, and;

WHEREAS, Budget Officer, Lori Crispin, has submitted the proposed Budget to this governing body on October 16, 2023, for its consideration, and;

WHEREAS, upon due and proper notice, published and posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 13, 2023, and interested taxpayers were given the opportunity to file or register any objection to said proposed budget, and;

WHEREAS, the Colorado General Assembly conducted an extraordinary session, convened on November 17, 2023, and passed SB23B-001, which extended the deadline for the County to adopt its 2024 budget from December 31, 2023, to January 10, 2024; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS of the County of Morgan, Colorado:

Section 1. That estimated expenditures for each fund are as follows:

Fund	Expenditures
General Fund	\$ 25,870,710
Special Revenue Funds	
Road and Bridge Fund	11,382,580
Social Services Fund	7,051,235
911 Emergency Telephone Fund	1,703,500
Lodging Tourism Tax Fund	259,100
Conservation Trust Fund	770,728
Confiscation Seizure Fund	1,000
Capital Improvement Fund	
Jail Capital Improvement Fund	1,000,000
Enterprise Funds	
Ambulance Service Fund	2,545,476
Solid Waste Management Fund	1,723,362
Central Services Fund	<u>8,051,492</u>
Totals	\$ 60,359,183

Section 2. That estimated revenues for each fund are as follows:

Fund	From			Total
	From Fund Balance	Other Than General Property Tax	From Property Tax	
General	\$ 4,601,345	\$ 7,115,036	\$ 14,154,329	\$ 25,870,710
Special Revenue				
Road and Bridge	1,914,195	4,039,169	5,429,216	\$ 11,382,580
Social Services	663,844	4,939,600	1,447,791	\$ 7,051,235
911 Emergency Telephone	853,500	850,000	0	\$ 1,703,500
Lodging Tourism Tax	109,100	150,000	0	\$ 259,100
Conservation Trust	620,728	150,000	0	\$ 770,728
Confiscation Seizure Fund	-	1,000	0	\$ 1,000
Jail Capital Improvement	865,000	135,000	0	\$ 1,000,000
Enterprise Funds				
Ambulance Service Fund	463,476	2,082,000	0	\$ 2,545,476
Solid Waste Management	161,762	1,561,600	0	\$ 1,723,362
Central Services	<u>1,719,856</u>	<u>6,331,636</u>	<u>0</u>	<u>\$ 8,051,492</u>
Totals	<u>\$ 11,972,806</u>	<u>\$ 27,355,041</u>	<u>\$ 21,031,336</u>	<u>\$ 60,359,183</u>

Section 3. That the budget as submitted, amended, and hereinabove summarized by fund, hereby is approved and adopted as the budget of the County of Morgan for the year stated above.

Section 4. That the budget hereby approved and adopted shall be signed by the Morgan County Board of Commissioners and made a part of the public records of the County.

ADOPTED, this 9th day of January AD 2024.

BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

Mark A. Arndt, Chairman

Jon J. Becker, Commissioner

Gordon H. Westhoff, Commissioner

Attest:

Kevin Strauch, Clerk to the Board

RESOLUTION 2024 BCC 06

RESOLUTION TO SET MILL LEVIES

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2023, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE COUNTY OF MORGAN, COLORADO, FOR THE 2024 BUDGET YEAR.

WHEREAS, the Board of County Commissioners of Morgan County has Adopted the annual budget in accordance with the Local Government Budget Law, on January 9, 2024, and;

WHEREAS, the amount of money necessary to balance the budget for the general operating purposes General Fund is \$14,154,329 and;

WHEREAS, the amount of money necessary to balance the budget for Road and Bridge Fund is \$5,429,216 and;

WHEREAS, the amount of money necessary to balance the budget for Social Services Fund is \$1,447,791 and;

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

Section 1. That for the purpose of meeting all general operating and other expenses of General Fund of the County of Morgan during the 2024 budget year, there is hereby levied a tax of 19.553 mills upon each dollar of the total valuation for assessment of all taxable property within the County for the year 2023,

Section 2. That for the purpose of meeting all operating and other expenses of the Road and Bridge Fund of the County of Morgan during the 2024 budget year, there is hereby levied a tax of 7.500 mills upon each dollar of the total valuation for assessment of all taxable property within the County for the year 2023.

Section 3. That for the purpose of meeting all operating and other expenses of the Social Services Fund of the County of Morgan during the 2024 budget year, there is hereby levied a tax of 2.000 mills upon each dollar of the total valuation for assessment of all taxable property within the County for the year 2023.

The details of the above tax levies is as follows:

General	19.448
Tax Abatement	0.105
Total General	<u>19.553</u>
Road and Bridge	7.500
Social Services	2.000
Total Levy	<u><u>29.053</u></u>

Section 4. That the Budget Officer is hereby authorized and directed to immediately certify to the County Commissioners of Morgan County, Colorado, the mill levies for the County of Morgan as herein above determined and set.

ADOPTED, this 9th day of January AD 2024.

BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

Mark A. Arndt, Chairman

Jon J. Becker, Commissioner

Gordon H. Westhoff, Commissioner

Attest:

Kevin Strauch, Clerk to the Board

RESOLUTION 2024 BCC 07

RESOLUTION TO APPROPRIATE SUMS OF MONEY

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE COUNTY OF MORGAN, COLORADO FOR THE 2024 BUDGET YEAR.

WHEREAS, the Board of County Commissioners of Morgan County has adopted the annual budget in accordance with the Local Government Budget Law, on January 9, 2024 and;

WHEREAS, the Board of County Commissioners had made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, so as not to impair the operations of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS of the County of Morgan, Colorado:

That the following sums are hereby appropriated from the revenue of each fund, to each fund, for the purposes stated:

Fund	Current Operating Expenses	Capital Outlay	Total Expenditures
General	\$ 19,991,710	\$ 5,879,000	\$ 25,870,710
Special Revenue			
Road and Bridge	9,090,740	2,291,840	11,382,580
Social Services	7,041,235	10,000	7,051,235
911 Emergency Telephone	703,500	1,000,000	1,703,500
Lodging Tourism Tax	259,100		259,100
Conservation Trust	-	770,728	770,728
Confiscation Seizure Fund	1,000		1,000
Capital Improvement Fund			
Jail Capital Improvement		1,000,000	1,000,000
Enterprise Funds			
Ambulance Service Fund	2,495,476	50,000	2,545,476
Solid Waste Management	1,439,362	284,000	1,723,362
Central Services	<u>4,785,050</u>	<u>3,266,442</u>	<u>8,051,492</u>
Totals	<u><u>\$ 45,807,173</u></u>	<u><u>\$ 14,552,010</u></u>	<u><u>\$ 60,359,183</u></u>

ADOPTED, this 9th day of January AD 2024

BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO

Mark A Arndt, Chairman

Jon J. Becker, Commissioner

Gordon H Westhoff, Commissioner

Attest:

Kevin Strauch, Clerk to the Board

COMMISSIONERS CALENDAR

January 5, 2024 through January 16, 2024

January 5, 2024		Daily County Business
January 8, 2024	11:00 A.M. 2:00 P.M. 3:00 P.M.	HR Department Meeting Fleet/Ambulance Meeting Office Meeting
January 9, 2024	9:00 A.M. Hearing - Immediately following Board Meeting 10:00 A.M. 1:00 P.M. 1:00 P.M.	Board of County Commissioners Meeting (Assembly Room) (Please check https://morgancounty.colorado.gov/ for meeting options.) Planning & Zoning Hearing - SMIRKS Replat County Attorney Office Hours 911 Board Meeting Accessibility Meeting
January 10, 2024		Daily County Business
January 11, 2024		Daily County Business
January 12, 2024		Daily County Business
January 15, 2024		County Offices Closed in Observance of Martin Luther King Jr. Day
January 16, 2024	11:00 A.M. 12:00 P.M.	Finance Department Meeting Tourism Panel Meeting

Unless otherwise noted, all meetings with department heads and other non-BOCC elected officials listed above may include an update on the status of the department, a general discussion of projects, any matters or concerns that the County needs to address, and activities and operations of the department.

Department meetings may be by conference call or virtual meeting upon request.

CALENDAR SUBJECT TO CHANGE DUE TO AGREEABLE CANCELLATIONS AND/OR WALK IN BUSINESS

Posted 1/5/2024 @ 4:00 P.M. by Dustin Corliss, Accounting Specialist

** All meetings are held in the Commissioner's Office located at 218 West Kiowa Avenue, Fort Morgan unless otherwise noted

*Any meeting or event scheduled to be held at the Commissioners' Offices (218 West Kiowa Avenue, Fort Morgan, CO) will be relocated to a site with handicapped access upon request. For special assistance for the Morgan County Board of Commissioners meeting, please notify us 48 hours before the scheduled agenda item. Please call (970)542-3500, extension 1410, to request accommodation.

**Smirk's Holding LLC
The City of Fort Morgan**

RePlat

BOARD OF COUNTY COMMISSIONERS HEARING

January 9, 2024

9:00 a.m.

TABLE OF CONTENTS

- **Smirk's Holding LLC**
- File Summary
- Original Submittal
 - Application
 - Right to Farm
- Applicant Narrative
- Site Plan / Maps
- Proof of Ownership
 - Current Title Insurance Commitment
 - Any Deeds or additional ownership documentation
- Technical
 - Tax Account Statement
 - Statement of Authority
 - Water Supply Information
 - Application Fee Receipt
- Referrals & Responses
 - Referrals sent & Responses received
 - Landowner Letter sent & Responses received
 - Notification & Responses received
- Additional Information



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

December 14, 2023

Smirk's Holding LLC
Attn: Nick Erker
17601 US Hwy 34
Fort Morgan, CO 80701
Sent via email:

Dear Nick:

Your Application for a Replat has been received by our office and will go to review and decision by the Board of County Commissioners. The hearing for the Board of County Commissioners will be held on **January 9th, 2024 at 9:00 A.M.**

It is necessary that you as the applicant and all land owners (or representatives) be present at the hearing to answer any questions the Board may have. If you are unable to attend, a letter stating who will be representing you will be needed.

Do not hesitate to contact us at any time if you have questions.

Sincerely,

Nicole Hay
Nicole Hay
Planning Administrator

FILE SUMMARY



**MORGAN COUNTY
PLANNING AND BUILDING DEPARTMENT**

**BOARD OF COUNTY COMMISSIONERS
FILE SUMMARY
December 29, 2023
January 9, 2024 hearing date**

**APPLICANTS AND LANDOWNERS:
Smirks Holding, LLC/Nicholas Erker
City of Fort Morgan**

This application is to replat Lot 1 of Greek Estates Minor Subdivision and a parcel of land in the N½ of Section 25, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Addressed as 17590 Co Rd T.5, Fort Morgan, Colorado 80701.

The property is zoned Commercial and the only current improvement is a former restaurant being remodeled to be used as office space.

Smirks Holding, LLC has reached an agreement with the City of Fort Morgan to swap some property. Currently, a paved parking lot, owned by Smirks Holding, LLC, to the south of the office building is being shared with Quail Dunes Golf Course which is owned by the City of Fort Morgan. The paved parking lot is no longer needed for the office building and Smirks Holding, LLC would be able to utilize some vacant ground to the north of the office building, owned by the City of Fort Morgan.

The intent of this replat is to separate the paved parking lot (0.31 acres) from Lot 1 of Greek Estates Minor Subdivision and add in the Vacant ground (0.53 acres) to create a 1.63 acre lot to be known as Lot 1A, Quail Dunes Replat. The separated paved parking lot will be transferred to the City of Fort Morgan, this will be known as Lot 2A, Quail Dunes Replat.

In reviewing an application for a Replat to add property to a previously approved subdivision the Board of County Commissioners shall apply the following criteria as listed from Section 10-400(G) of the Morgan County Subdivision Regulations:

- (1) The replat complies with these standards and regulations and the original conditions of approval.
- (2) Nonconforming lots are not created, and in the case of nonconforming lots, the nonconformity is not increased.
- (3) The replat is in keeping with the purpose and intent of these Subdivision Regulations.
- (4) Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with these Subdivision Regulations.

The City of Fort Morgan and Smirks Holdings, LLC are in the process of finalizing a cross access agreement. This agreement will be recorded with the Morgan County Clerk and Recorder's and a copy will be supplied to the Planning and Zoning Department.

(5) The approval will not adversely affect the public health, safety, and welfare.

All appropriate notice requirements have been completed with no comments received as of January 2, 2024.

Nicole Hay
Morgan County Planning Administrator

ORIGINAL SUBMITTAL

Original Application

Right to Farm



MORGAN COUNTY PLANNING,
ZONING & BUILDING DEPT.
231 Ensign, P.O. Box 596
Fort Morgan, Colorado 80701
PHONE (970)542-3526
FAX (970)542-3509
EMAIL permits_licensing@co.morgan.co.us

PERMIT # PL 2023 - 0001

Date Received 11/01/23 Received By BS
Fee: Administrative Review \$550 Full Review \$_____
C/NCC #: 5012 Paid 11/8/2023
Recording Fee \$____ Ck/CC #: _____ Paid ____/____/
PC Date: ____/____/____ BOCC Date: ____/____/
100 Year Floodplain? Y/N Taxes Current? Y/N

BOUNDARY LINE ADJUSTMENT, AMENDED PLAT, REPLAT, AND PLAT VACATIONS APPLICATION

Landowner MUST Sign Application and Right to Farm Policy

APPLICANT

Name Nicholas Erker / Smirk's Holding llc
Address 17601 US Highway 34
Fort Morgan, CO 80701
Phone (_____) _____
Email _____

LANDOWNER

Name Smirk's Holding llc / City of Fort Morgan
Address 17601 US Highway 34
Fort Morgan, CO 80701
Phone (_____) _____
Email _____

SURVEYOR

Name Robert Thomas / Thomas Land Surveying llc Email bob@thomasls.com
Address 2619 West 11th Street Rd, Greeley, CO 80634 Phone (_____) 970-222-3311

Minimum Lot Size Requirements:

- Minimum lot size for parcels containing both a water well and septic system is 2.5 (two and one half) acres
- Minimum lot size for parcels without a water well and served by a public or private water system and septic system is 1 (one) acre

PROPERTY LEGAL DESCRIPTION AND TECHNICAL INFORMATION

Address of Property to be divided (or general location if not yet addressed): *Attach extra pages if needed
17590 CR T.5, Fort Morgan, CO 80701

Greek Estate Minor Sub , Lot 1

Parcel #: 1041 - 252 - 07 - 001 Zone District: C

S: 25 T: 4N R: 58 W 1/2 SE of the NW 1/4 1/4 SW of the NE

Total acreage in parcel: 1.410

Number of lots to be created: 2

Is property located within 1320' (1/4) of a livestock confinement facility? Y/N NO

Distance and Direction to Nearest Community: 1300' south of Country Club Estates

PRESENT use of property Commercial

PROPOSED use of property Commercial

SEE REQUIRED ATTACHMENT LIST ON BACK OF THIS PAGE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED OR PROCESSED

APPLICATION REQUIRED ATTACHMENT LIST

Additional information may be required by staff

Application Fee:

\$550 Non-Refundable Application Fee due with application

-Made payable to Morgan County Planning & Zoning

**Fees may be subject to change per section 2-160 of Morgan County Zoning Regulations*

Project Narrative:

Narrative to include:

Project Description

Purpose of request

Additional information to show project's intent

How project will relate to or impact existing adjacent uses

General topography of land and potential hazards

If property is in the floodplain, give Zone, panel number, and panel date -See link
<https://msc.fema.gov/portal/home>

Site Plans/Maps:

Plat map (survey) per requirements set forth in the Morgan County Subdivision Regulations Section 6-170-- **(SUBMIT ELECTRONICALLY)**

Improvement location certificate, including setbacks of existing structures, wells and septic system **(SUBMIT ELECTRONICALLY)**

Include any easements required for the project-widths and other pertinent information.
May be required to supply copies of easement agreements

Proof of Ownership: Current title insurance commitment (within last 6 months)

Names, addresses and phone numbers for all property owners

Utilities/Access: Water-Water tap must be paid in full and well must be fully operational, before plat can be recorded.

Septic System

- Existing Septic System - Evaluation of adequacy in terms of today's regulations from local Health Department
- Private System - "Will Serve Letter" or bill
- Proposed Septic System - "Will Serve Letter"
- Public System - "Will Serve Letter" or bill

Electric (Electric bill or letter of commitment from electricity provider)

Driveway Permit from CDOT or Morgan County Road and Bridge (If required by staff)

Ditch Company- Proof of contact if there is a ditch on or next to your property

Right to Farm Policy signed by Landowner (attached)

Recording Fees: All recording fees will be collected at the conclusion of all hearings
Made payable to Morgan County Clerk & Recorder

Plat map recording fee

\$13.00 first page
\$10.00 per page thereafter
0 # additional pages x 10=\$ + \$13= \$13 Total Recording Cost

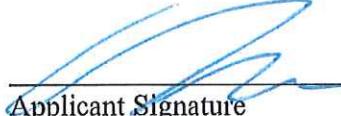
*Title to any or all of the Minor Subdivision **CANNOT** be transferred until all required documents have been recorded in the Morgan County Clerk and Recorders office.

Additional Information required by staff: _____
 # Paper Application Sets Digital Copy of Complete Application
One sided only please

LANDOWNER AND APPLICANT STATEMENTS

Property taxes must be current prior to processing application.

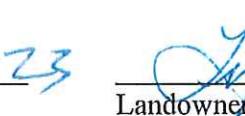
I hereby certify that to the best of my knowledge, the information contained within this application package is true and correct. Application must be signed by applicant and landowner as it appears in title insurance.

 Applicant Signature

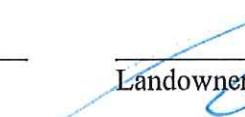
11-8-23 Date

 Landowner Signature

11-8-23 Date

 Applicant Signature

11-8-23 Date

 Landowner Signature

11-8-23 Date

MORGAN COUNTY RIGHT TO FARM POLICY / NOTICE

Morgan County is one of the most productive agricultural counties in Colorado. Ranching, farming, animal feeding, and all other manner of agricultural activities and operations in Morgan County are integral and necessary elements of the continued vitality of the county's economy, culture, landscape and lifestyle. Morgan County specifically recognizes the importance of agricultural operations as necessary and worthy of recognition and protection.

Landowners, residents and visitors must be prepared to accept as normal the effects of agriculture and rural living. These may include noise from tractors, equipment, and aerial spraying sometimes at night or in the early morning; dust from animal pens, field work, harvesting, and gravel roads; odor from animal confinement operations, silage and manure; smoke from ditch burning; flies and mosquitoes; the use of pesticides and fertilizers, including aerial spraying; and movement of livestock or machinery on public roads. Under the provisions of the State of Colorado's "Right to Farm" law (Section 35-3.5-101 and following, C.R.S.), all normal and non-negligent agricultural operations may not be considered nuisances.

Also public services in a rural area are not at the same level as in an urban or suburban setting. Road maintenance may be at a lower level, mail delivery may not be as frequent, utility services may be nonexistent or subject to interruption, law enforcement, fire protection and ambulance service will have considerably longer response times, snow may not be removed from county roads for several days after a major snow storm. First priority for snow removal is that school bus routes are normally cleared first.

Children are exposed to different hazards in a rural setting than they are in an urban or suburban area. Farm and oilfield equipment, ponds, and irrigation ditches, electrical service to pumps and oil field operations, high speed traffic, noxious weeds, livestock, and territorial farm dogs may present real threats to children. It is necessary that children's activities be properly supervised for both the protection of the children and protection of the farmer's livelihood.

All rural residents and property owners are encouraged to learn about their rights and responsibilities and to act as good neighbors and citizens of Morgan County. This includes but is not limited to obligations under Colorado State law and Morgan County Zoning Regulations regarding maintenance of fences, controlling weeds, keeping livestock and pets under control. There may be provisions of which you are unaware. For example, because Colorado is a Fence Law State, owners of property may be required to fence livestock out.

Information regarding these topics may be obtained from the Colorado State University Cooperative Extension Office, the County Planning and Zoning Department, and the County Attorney.

RECEIPT AND STATEMENT OF UNDERSTANDING

I hereby certify that I have received, read, and understood the Morgan County Statement of Policy and Notice regarding Right to Farm.

I further state that I am aware that the conditions of living in an unincorporated area are different than living in a town or city and that the responsibilities of rural residents are different from urban or suburban residents. I understand that under Colorado law that a pre-existing, non-negligent agricultural operation may not be considered a public or private nuisance.

Nicholas Erker
Signature

11-1-23
Date

Nicholas Erker Member - Smirks Holding llc
Printed Name

17601 US Highway 34
Address

Fort Morgan, CO 80701

To Be Signed by Landowner

Adopted by the Morgan County Board of County Commissioners by Resolution #96BCC41 on July 23, 1996 and amended by Resolution 2008 BCC 34 on September 2, 2008.

APPLICANT NARRATIVE

Morgan County Planning and Zoning

Project Narrative

October 31, 2023

RE: Smirks Holding Replat – 17590 CR T.5 (former country club)

Smirk's Holding llc purchased this property in July of 2021. It was a former restaurant. Smirks is remodeling the building to use as a professional office. This property shares a paved parking lot with Quail Dunes Golf Course. As this use has changed, we no longer have a need for the paved parking lot to the south of the office building.

We have reached an agreement with the owner of the golf course, City of Fort Morgan, to swap the paved parking lot to the south of the building for vacant ground to the north of our building. Additionally, we are finalizing cross access easement agreements to define and allocate common costs of maintaining the entrance and parking surface to the east of our building. This will allow for a cohesive and mutually beneficial relationship between current and future property owners and is a condition of the land swap and approval of this replat.

At the guidance of this department, we have commissioned a replat and developed a new lot that encompasses the paved parking lot to be traded with City of Fort Morgan. We then expanded our existing lot with our building to include the vacant land to the north. Smirks Holding and City of Fort Morgan have agreed on the new boundaries represented in the plat.

Respectfully Submitted,



Nicholas Erker

Smirks Holding llc

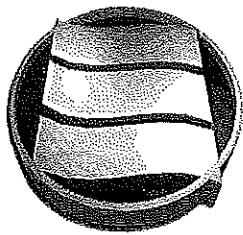
Member

SITE PLAN / MAPS

PROOF OF OWNERSHIP

Current Title Insurance Commitment

Any deeds or additional ownership documentation



EQUITY TITLE OF COLORADO

520 Sherman Street
Fort Morgan, CO 80701
Phone: (970) 867-0515 • Fax: (970) 867-2246

Date: October 31, 2023

Our File Number: 00057285 SB

C-2 – Updated effective date

Re: Smirks Holding, LLC and City of Fort Morgan / TBD

Property Address: 17590 County Road T.5 Fort Morgan, CO 80701

Escrow Officer: *Title Only*

Title Officer: *Shelly Butt*

(303) 563-4655

shellyb@equitycol.com

[Delivery List]

Seller:

Smirks Holding, LLC and City of Fort Morgan

Attn: Nick Erker

Email:

Buyer:

TBD

Copy to:

Thomas Land Surveying, PLS

2619 West 11th Street Road Suite 24

Greeley, CO 80634

Attn: Bob Thomas

Ph: (970) 222-3311 Fax

Email: *bob@thomaspls.com*

SENT VIA EMAIL



ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)

ISSUED BY

Stewart Title Guaranty Company - II

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Stewart Title Guaranty Company - II, a Texas (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Countersigned by:

Shelly R. Butt

Authorized Countersignature

Equity Title Associates II, LLC

Company Name

Fort Morgan, CO 80701

City, State



F. H. Eppinger

Frederick H. Eppinger
President and CEO

D. H. Hisey

David Hisey
Secretary

This page is only a part of a 2021 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

COMMITMENT CONDITIONS

1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- h. "Public Records": The recording or filing system established under state statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- a. the Notice;
- b. the Commitment to Issue Policy;
- c. the Commitment Conditions;
- d. Schedule A;
- e. Schedule B, Part I—Requirements; and
- f. Schedule B, Part II—Exceptions; and
- g. a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

This page is only a part of a 2021 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

5. LIMITATIONS OF LIABILITY

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract and is restricted to the terms and provisions of this Commitment.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- d. The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PROFORMA POLICY

The Company may provide, at the request of a Proposed Insured, a proforma policy illustrating the coverage that the Company may provide. A proforma policy neither reflects the status of Title at the time that the proforma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

This page is only a part of a 2021 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

9. CLAIMS PROCEDURES

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. This Commitment Condition does not modify the limitations of liability in Commitment Conditions 5 and 6.

10. CLASS ACTION

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

11. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

STEWART TITLE GUARANTY COMPANY - II

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at: Stewart Title Guaranty Company - II, P.O. Box 2029, Houston, Texas 77252-2029.

This page is only a part of a 2021 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

Issuing Agent: Equity Title Associates II, LLC
 Issuing Office: 520 Sherman Street, , Fort Morgan, CO 80701
 ALTA® Universal ID: None
 Loan ID Number:
 Issuing Office File Number: 00057285-003-TQ3-SB
 Property Address: 17590 County Road T.5, Vacant Land, Fort Morgan, CO 80701

SCHEDULE A

AMERICAN LAND TITLE ASSOCIATION COMMITMENT

1. Effective Date: **October 24, 2023**

2. Policy to be issued:

(a) **None**

Proposed Insured: **[TBD]**
 Proposed Amount of Insurance: **\$0.00**
 The estate or interest to be insured: **[FEE SIMPLE]**

(b) **None**

Proposed Insured: **, its successors and/or assigns, as their interests may appear**
 Proposed Amount of Insurance: **\$0.00**
 The estate or interest to be insured: **[FEE SIMPLE]**

(c) **None**

Proposed Insured: **[]**
 Proposed Amount of Insurance:
 The estate or interest to be insured: **[]**

3. The estate or interest in the Land at the Commitment Date is:

[FEE SIMPLE]

4. The Title is, at the Commitment Date, vested in:

[Smirks Holding, LLC, a Colorado limited liability company and City of Fort Morgan, a Colorado Municipal Corporation]

5. The Land is described as follows:

See Exhibit A attached hereto and made a part hereof.

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TITLE PREMIUMS

TBD Commitment	\$	300.00
Payment received	\$	-300.00
TOTAL	\$	\$ 0.00

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EXHIBIT A LEGAL DESCRIPTION

Lot 1 of GREEK MINOR SUBDIVISION, being a Subdivision in the NW ¼, N ½ SW ¼ and the NE ¼ of Section 25, Township 4 North, Range 58 West of the 6th P.M., according to the recorded plat thereof;

TOGETHER WITH the easements described as Easements A, B and C as shown on the plat for the Fort Morgan Country Club and the City of Fort Morgan, Colorado recorded April 9, 2007 at Reception No. 1601290 of the records of the Clerk and Recorder of Morgan County, Colorado;

SUBJECT TO all Easements and rights-of-way of record, specifically Easements D and E as shown in the Easement plat for the Fort Morgan Country Club and the City of Fort Morgan recorded April 9, 2007 at Reception No. 1601290 and subject to all other easements and rights-of-way of record;

TOGETHER WITH a water line Easement as follows:

A parcel of land 20 feet in width for the operation and maintenance of a water line located in the NE ¼ of Section 25, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado, said parcel of land being 10 feet either side of a centerline which is more particularly described as follows: Commencing at the SW corner of the NE ¼ of said Section 25; thence South 89°45'25" East 509.7 feet along the South line of said NE ¼ to the SE corner of a parcel owned by Fort Morgan Country Club; thence North 45°33'35" West 179.3 feet along the Easterly boundary of said Fort Morgan County

Club parcel to the true point of beginning; thence North 88°06'08" West 251.2 feet, more or less, to its point of termination on the East boundary of the Greek Estate Minor Subdivision, according to the recorded plat thereof; County of Morgan, State of Colorado;

AND

A parcel of land in the NW ¼, N ½ SW ¼, and in the ¼ of Section 25, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado, said parcel being more Particularly described as follows: Commencing at the N ¼ corner of said Section 25; thence South 0°31'00" West along the East line of said NW ¼ of Section 25, a distance of 1211.4 feet; thence South 88°33'00" West, a distance of 30.0 feet; thence South 0°31'00" West parallel with and 30 feet West of the East line of said NW ¼, a distance of 700.0 feet to the true point of beginning, said point being the SE corner of Country Club Estates, a subdivision Morgan County, Colorado; thence South 0°33'10" West, a distance of 213.8 feet; thence South 44°58'30" East, a distance of 42.2 feet; thence South 45°33'15" East, a distance of 708.0 feet to a point on the South line of said NE ¼; thence North 89°45'30" West along the South line of said NE ¼, a distance of 509.7 feet to the SW corner of said NE ¼; thence South 01°8'45" West, a distance of 33.9 feet; thence North 89°38'00" West, a distance of 128.5 feet; thence North 0°39'40" East, a distance of 28.9 feet; thence North 23°22'30" West, a distance of 117.8 feet; thence North 0°13'30" West, a distance of 505.1 feet to a point on the South line of said County Club Estates; thence North 50°09'00" East along the South line of said Country Club Estates a distance of 200.0 feet to the point of beginning;

EXCEPT Lot 1, GREEK ESTATE MINOR SUBDIVISION, according to the recorded plat thereof, Morgan County, Colorado;

Together with a perpetual nonexclusive easement, right of way and grant of use for ingress, egress and for parking access as described in that Deed of Easement recorded November 8, 2006 at Reception No. 839034;

Subject to a water line easement recorded more particularly described as follows: A Parcel of land 20 feet in width for the operation and maintenance of a water line located in the NE ¼ of Section 25, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado, said parcel of land being 10 feet either side of a center line which is more particularly described as follows: Commencing at the SW corner of the NE ¼ of said Section 25; thence South 89°45'25" East 509.7 feet along the South line of said NE ¼ to the SE corner of a parcel owned by Fort Morgan Country Club; thence North 45°33'35" West 179.3 feet along the Easterly boundary of said Fort Morgan Country Club parcel to the true point of beginning; thence North 88°06'08" West 251.2 feet,

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EXHIBIT A
(Continued)

more or less, to its point of termination on the East boundary of the Greek Estate Minor Subdivision, according to the recorded plat thereof, as conveyed in Warranty Deed recorded April 17, 2007 at Reception No. 842072; County of Morgan, State of Colorado.

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SCHEDULE B – PART I REQUIREMENTS

All of the following Requirements must be met:

- A. ~~The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.~~
- B. ~~Pay the agreed amount for the estate or interest to be insured.~~
- C. ~~Pay the premiums, fees, and charges for the Policy to the Company.~~
- D. ~~Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.~~

i. [—]

ii. [—]

[=clause=]

- E. ~~Evidence if any that all assessments for common expenses due under the Declaration referred to in Schedule B, Section 2 contained herein, have been paid.~~
- F. ~~Receipt by the Company of a satisfactory Final Affidavit, executed by Smirks Holding, LLC and City of Fort Morgan.~~
- G. ~~Receipt by the Company of a satisfactory Final Affidavit, executed by TBD.~~
- H. ~~Payment of all taxes and assessments now due and payable.~~

END OF SCHEDULE B – Part I

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SCHEDULE B – PART II

EXCEPTIONS

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: Upon receipt of [a satisfactory survey and] [final affidavits], as shown in Schedule B - Section 1, Exceptions 1 through 4 will not appear on the Lender's Policy (if any) to be issued hereunder.

5. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date of which all of the Schedule B, Part I - Requirements are met.

NOTE: Provided Equity Title Associates II, LLC conducts the closing of this transaction, Exception 5 will be deleted.

6. Taxes and assessments which are a lien or are now due and payable; any tax, special assessment, charge or lien imposed for or by any special taxing district or for water or sewer service; any unredeemed tax sales.

NOTE: Upon payment of all taxes and assessments now due and payable, as shown in Schedule B - Section 2, Exception 6 will be amended to read as follows: "Taxes and assessments for the year 2022 and subsequent years, a lien, not yet due or payable."

7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water; (d) Minerals of whatsoever kind, subsurface and surface substances, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records or listed in Schedule B.
8. Right of way for ditches and canals constructed by the authority of the United States, as reserved in United States Patent dated June 8, 1911, as Patent No. [203943](#).
9. Right of way for ditches and canals constructed by the authority of the United States, as reserved in United States Patent dated July 20, 1911, as Patent No. [217636](#).
10. Terms, conditions, provisions, obligations, easements, agreements, benefits and burdens as set forth in the Order, recorded May 6, 1907, as Reception No. [25157](#).
11. Terms, conditions, provisions, obligations, easements, agreements, benefits and burdens of the easement as set forth in the Deed, recorded February 4, 1930, as Reception No. [193196](#).

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SCHEDULE B
PART II – EXCEPTIONS
(Continued)

12. Terms, conditions, provisions, obligations, easements, agreements, benefits and burdens as set forth in the Contract, recorded August 13, 1938, as Reception No. 264908.
13. Reservation of ½ of all oil, gas and other minerals, as described in Deed recorded April 28, 1944, as Reception No. 309619. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
14. Reservation of all mineral and oil rights as described in Deed recorded July 15, 1948, as Reception No. 339914. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
15. Reservation of ½ of the oil, gas and other minerals and ½ of the reversionary rights, as described in Deed recorded May 14, 1954, as Reception No. 398207. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
16. Terms, conditions, provisions, obligations, easements, agreements, benefits and burdens as set forth in the Right of Way Agreement, recorded April 8, 1959, as Reception No. 455460.
17. Terms, conditions, provisions, obligations, easements, agreements, benefits and burdens of the easement as set forth in the Deed, recorded September 6, 1962, as Reception No. 495502.
18. Covenants, conditions, restrictions, provisions, easements and assessments as set forth in the Protective Covenants recorded April 17, 1963, as Reception No. 502561, but omitting any covenant, limitation or restriction based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin, and any and all amendments, assignments, or annexations thereto.
19. Terms, conditions, provisions, obligations, easements, agreements, benefits and burdens of the easement as set forth in the Deed, recorded July 10, 1964, as Reception No. 516462.
20. Terms, conditions, provisions, obligations, easements, agreements, benefits and burdens of the easement as set forth in the Deed, recorded July 10, 1964, as Reception No. 516464.
21. Terms, conditions, provisions, obligations, easements, agreements, benefits and burdens as set forth in the Easement, recorded February 5, 1997, as Reception No. 759931.
22. An Oil and Gas Lease, from Margaret H. Templeton and Gail A. Templeton, as Lessor(s) to Jack D. Gray, as Lessee(s), dated April 26, 1999, recorded July 8, 1999, as Reception No. 779123, and any and all assignments thereof or interests therein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
23. An Oil and Gas Lease, from First National Bank, Trustee of the Jim Hickman, aka Clarence J. Hickman Trust, under Trust Agreement dated September 25, 1973, as Lessor(s) to Jack D. Gray, as Lessee(s), dated April 26, 1999, recorded July 8, 1999, as Reception No. 779124, and any and all assignments thereof or interests therein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

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SCHEDULE B
PART II – EXCEPTIONS
(Continued)

24. An Oil and Gas Lease, from Jeanne H. Allen and John V. Allen, as Lessor(s) to Jack D. Gray, as Lessee(s), dated June 7, 1999, recorded July 8, 1999, as Reception No. 779125, and any and all assignments thereof or interests therein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
25. An Oil and Gas Lease, from Marilyn K. Bates, as Lessor(s) to Jack D. Gray, as Lessee(s), dated June 7, 1999, recorded July 8, 1999, as Reception No. 779126, and any and all assignments thereof or interests therein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
26. An Oil and Gas Lease, from John Russell Allen, as Lessor(s) to Jack D. Gray, as Lessee(s), dated June 7, 1999, recorded July 8, 1999, as Reception No. 779127, and any and all assignments thereof or interests therein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
27. An Oil and Gas Lease, from Douglas James Allen and Barbara Allen, as Lessor(s) to Jack D. Gray, as Lessee(s), dated June 7, 1999, recorded July 8, 1999, as Reception No. 779128, and any and all assignments thereof or interests therein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
28. An Oil and Gas Lease, from Adda Dean and Donald L. Dean, as Lessor(s) to Jack D. Gray, as Lessee(s), dated June 7, 1999, recorded July 8, 1999, as Reception No. 779136, and any and all assignments thereof or interests therein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
29. An Oil and Gas Lease, from Henry B. Ferguson, aka H.B. Ferguson, and Geneva Ferguson, as Lessor(s) to Jack D. Gray, as Lessee(s), dated June 7, 1999, recorded July 8, 1999, as Reception No. 779137, and any and all assignments thereof or interests therein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
30. An Oil and Gas Lease, from Helen H. Carlson and Arthur Carlson, as Lessor(s) to Jack D. Gray, as Lessee(s), dated May 13, 1999, recorded July 26, 1999, as Reception No. 779512, and any and all assignments thereof or interests therein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
31. An Oil and Gas Lease, from Lory E. Ferguson, Jr. and Lynne Ferguson, as Lessor(s) to Jack D. Gray, as Lessee(s), dated June 7, 1999, recorded July 26, 1999, as Reception No. 779513, and any and all assignments thereof or interests therein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

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SCHEDULE B
PART II – EXCEPTIONS
(Continued)

32. Terms, conditions, provisions, obligations, easements, agreements, benefits and burdens as set forth in the Deed of Easement, recorded November 8, 2006, as Reception No. [839033](#).
33. Terms, conditions, provisions, obligations, easements, agreements, benefits and burdens as set forth in the Deed of Easement, recorded November 8, 2006, as Reception No. [839034](#).
34. Terms, conditions, provisions, obligations, easements, agreements, benefits and burdens as set forth in the Resolution, recorded March 13, 2007, as Reception No. [841415](#).
35. Terms and conditions as set forth in the Warranty Deed, recorded April 17, 2007, as Reception No. [842072](#).
36. Terms and conditions as set forth in the Warranty Deed, recorded April 23, 2012, as Reception No. [875330](#).
37. Terms and conditions as set forth in the Easement, recorded May 31, 2019, as Reception No. [918669](#).
38. Terms and conditions as set forth in the Warranty Deed, recorded August 2, 2021, as Reception No. [934538](#).
39. Easements, notes, covenants, restrictions and rights-of-way as shown on the Easement Plat, recorded November 8, 2006, as Reception No. [1601249](#).
40. Easements, notes, covenants, restrictions and rights-of-way as shown on the plat of Greek Estate Minor Subdivision, recorded March 13, 2007, as Reception No. [1500209](#).
41. The following notices pursuant to CRS 9-1.5-103 concerning underground facilities have been filed with the Clerk and Recorder. These statements are general and do not necessarily give notice of underground facilities within the subject property:
 - a.) Mountain Bell Telephone Company recorded October 2, 1981, in [Book 821 at Page 502](#).
 - b.) Fort Morgan Underground Facilities recorded November 22, 1989, in [Book 917 at Page 513](#).
 - c.) Public Service Company of Colorado recorded October 2, 1981, in [Book 821 at Page 514](#).
 - d.) Morgan County REA, recorded January 22, 1982, in [Book 825 at Page 656](#).
42. Deed of Trust from [Smirk's Holding LLC] to the Public Trustee of [Morgan] County for the benefit of Joel Clifford Dreessen, to secure an indebtedness in the principal sum of \$600,000.00, and any other amounts and/or obligations secured thereby, dated November 1, 2021, and recorded November 1, 2021, as Reception No. [936443](#).

END OF SCHEDULE B – PART II

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DISCLOSURES

Pursuant to C.R.S. 10-11-122, notice is hereby given that:

- A. THE SUBJECT REAL PROPERTY MAY BE LOCATED IN A SPECIAL TAXING DISTRICT;
- B. A CERTIFICATE OF TAXES DUE LISTING EACH TAXING JURISDICTION SHALL BE OBTAINED FROM THE COUNTY TREASURER OR THE COUNTY TREASURER'S AUTHORIZED AGENT;
- C. INFORMATION REGARDING SPECIAL DISTRICTS AND THE BOUNDARIES OF SUCH DISTRICTS MAY BE OBTAINED FROM THE BOARD OF COUNTY COMMISSIONERS, THE COUNTY CLERK AND RECORDER, OR THE COUNTY ASSESSOR

Note: Colorado Division of Insurance Regulations 8-1-2, Section 5, Paragraph G requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed." Provided that Equity Title Associates II, LLC conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 1 will not appear on the Owner's Title Policy and the Lender's Title Policy when issued.

Note: Affirmative Mechanic's Lien Protection for the Owner may be available (typically by deletion of Exception No. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- A. The land described in Schedule A of this commitment must be a single-family residence, which includes a condominium or townhouse unit.
- B. No labor or materials have been furnished by mechanics or materialmen for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- C. The Company must receive an appropriate affidavit indemnifying the Company against unfiled Mechanic's and Materialmen's Liens.
- D. The Company must receive payment of the appropriate premium.
- E. If there has been construction, improvements or major repairs undertaken on the property to be purchased, within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and/or the contractor; payment of the appropriate premium; fully executed Indemnity agreements satisfactory to the company; and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

To comply with the provisions of C.R.S. 10-11-123, the Company makes the following disclosure:

- a. That there is recorded evidence that a mineral estate has been severed, leased or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- b. That such mineral estate may include the right to enter and use the property without the surface owner's permission.

NOTE: THIS DISCLOSURE APPLIES ONLY IF SCHEDULE B, SECTION 2 OF THE TITLE COMMITMENT HEREIN INCLUDES AN EXCEPTION FOR SEVERED MINERALS.

Notice of Availability of a Closing Protection Letter: Pursuant to Colorado Division of Insurance Regulation 8-1-3, Section 5, Paragraph C (11)(f), a closing protection letter is available to the consumer.

NOTHING HEREIN CONTAINED WILL BE DEEMED TO OBLIGATE THE COMPANY TO PROVIDE ANY OF THE COVERAGES REFERRED TO HEREIN, UNLESS THE ABOVE CONDITIONS ARE FULLY SATISFIED.

**Orange Coast Title Family of Companies
PRIVACY POLICY**

We are committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information – particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information that you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information we receive from providers of services to us, such as appraisers, appraisal management companies, real estate agents and brokers and insurance agencies (this may include the appraised value, purchase price and other details about the property that is the subject of your transaction with us);
- Information about your transactions with us, our Affiliated Companies, or others; and
- Information we receive from a consumer reporting agency.

Your California Rights (see attachments) or you may visit our website at

<https://www.titleadvantage.com/privacypolicy.htm> or call toll-free at (866) 241-7373. Only applies to CA residents

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Other Important Information

We reserve the right to modify or supplement this Privacy Policy at any time. If our Privacy Policy changes, we will post the updated Privacy Policy on our website and provide the ability to opt out (as required by law) before the new policy becomes effective.

If you have any questions or comments regarding our Privacy Policy you may contact us at our toll free number (866) 241-7373 or email us at datapriva@octitle.com.

Privacy Policy Last Revision 12/26/2019

Effective on 1/1/2020

Your California Rights

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act ("CCPA"). All phrases used herein shall have the same meaning as those phrases used under relevant California law, including but not limited to the CCPA.

Right to Know

You have the right to know:

- The categories of personal information we have collected about or from you;
- The categories of sources from which we collected your personal information;
- The business or commercial purpose for collecting or sharing your personal information;
- The categories of third parties with whom we have shared your personal information; and
- The specific pieces of your personal information we have collected.

Process to Submit a Request. To submit a verified request for this information you may visit our website at <https://www.titleadvantage.com/privacypolicy.htm> or call toll-free at (866) 241-7373. You may also designate an authorized agent to submit a request on your behalf by visiting our website <https://www.titleadvantage.com/privacypolicy.htm> or calling toll-free at (866) 241-7373 and then also submitting written proof of such authorization via e-mail to dataprivacy@ocitle.com.

Verification Method. In order to ensure your personal information is not disclosed to unauthorized parties, and to protect against fraud, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the personal information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

Right of Deletion

You have a right to request that we delete the personal information we have collected from or about you.

Process to Submit a Request. To submit a verified request to delete your information you may visit our website at <https://www.titleadvantage.com/privacypolicy.htm> or call toll-free at (866) 241-7373. You may also designate an authorized agent to submit a request on your behalf by clicking here or calling toll-free at (866) 241-7373 and then also submitting written proof of such authorization via e-mail to dataprivacy@ocitle.com.

Verification Method. In order to ensure we do not inadvertently delete your personal information based on a fraudulent request, we will verify your identity before we respond to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the personal information requested to be deleted, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

Right to Opt-Out

We do not sell your personal information to third parties, and do not plan to do so in the future.

Right of Non-Discrimination

You have a right to exercise your rights under the CCPA without suffering discrimination. Accordingly, OC Title & family of Companies will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

California Minors

If you are a California resident under the age of 18, California Business and Professions Code § 22581 permits you to request and obtain removal of content or information you have publicly posted on any of our Applications or Websites. To make such a request, please send an email with a detailed description of the specific content or information to dataprivacy@ocitle.com. Please be aware that such a request does not ensure complete or comprehensive removal of the content or information you have posted and there may be circumstances in which the law does not require or allow removal even if requested.

Collection Notice

The following is a list of the categories of personal information we may have collected about California residents in the twelve months preceding the date this Privacy Notice was last updated, including the business or commercial purpose for said collection, the categories of sources from which we may have collected the personal information, and the categories of third parties with whom we may have shared the personal information:

Categories of Personal Information Collected

The categories of personal information we have collected include, but may not be limited to:

<ul style="list-style-type: none">• real name• signature• alias• SSN• physical characteristics or description, including	<ul style="list-style-type: none">• protected characteristics under federal or state law• address• telephone number• passport number• driver's license number	<ul style="list-style-type: none">• state identification card number• IP address• policy number• file number• employment history• bank account number
--	---	--

- credit card number
- debit card number
- financial account numbers
- commercial information
- professional or employment information

Categories of Sources

Categories of sources from which we've collected personal information include, but may not be limited to:

- the consumer directly
- public records
- governmental entities
- non-affiliated third parties
- affiliated third parties

Business Purpose for Collection

The business purposes for which we've collected personal information include, but may not be limited to:

- completing a transaction for our Products
- verifying eligibility for employment
- facilitating employment
- performing services on behalf of affiliated and non-affiliated third parties
- protecting against malicious, deceptive, fraudulent, or illegal activity

Categories of Third Parties Shared

The categories of third parties with whom we've shared personal information include, but may not be limited to:

- service providers
- government entities
- operating systems and platforms
- non-affiliated third parties
- affiliated third parties

Sale Notice

We have not sold the personal information of California residents to any third party in the twelve months preceding the date this Privacy Notice was last updated, and we have no plans to sell such information in the future. We also do not, and will not sell the personal information of minors under sixteen years of age without affirmative authorization.

Disclosure Notice

The following is a list of the categories of personal information of California residents we may have disclosed for a business purpose in the twelve months preceding the date this Privacy Notice was last updated.

- real name
- Signature
- Alias
- SSN
- physical characteristics or description, including protected characteristics under federal or state law
- address
- telephone number
- passport number
- driver's license number
- state identification card number
- IP address
- policy number
- file number
- employment history
- bank account number
- credit card number
- debit card number
- financial account numbers
- commercial information
- professional or employment information

If you have any questions and/or comments you may contact us:

Call Us at our toll free number (866)
241-7373
Email Us at dataprivacy@octlite.com

Revised on 1/24/2020 / Effective on
1/1/2020

STG Privacy Notice 1 (Rev 01/26/09) Stewart Title Companies

WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company - II and its affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information	Do we share?	Can you limit this sharing?
For our everyday business purposes—to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
For our marketing purposes—to offer our products and services to you.	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes—information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and nonfinancial companies. <i>Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company</i>	Yes	No
For our affiliates' everyday business purposes—information about your creditworthiness.	No	We don't share
For our affiliates to market to you	Yes	No
For nonaffiliates to market to you. Nonaffiliates are companies not related by common ownership or control. They can be financial and nonfinancial companies.	No	We don't share

We may disclose your personal information to our affiliates or to nonaffiliates as permitted by law. If you request a transaction with a nonaffiliate, such as a third party insurance company, we will disclose your personal information to that nonaffiliate. We do not control their subsequent use of information, and suggest you refer to their privacy notices.

Sharing practices	
How often do the Stewart Title Companies notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do the Stewart Title Companies protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal and state law. These measures include computer, file, and building safeguards.
How do the Stewart Title Companies collect my personal information?	We collect your personal information, for example, when you <ul style="list-style-type: none"> • request insurance-related services • provide such information to us We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

Contact us:

If you have any questions about this privacy notice, please contact us at: Stewart Title Guaranty Company - II, 1980 Post Oak Blvd., Privacy Officer, Houston, Texas 77056

**THIS ADDENDUM IS MADE PART OF THE POLICY AND IS PERMANENTLY AFFIXED
HERETO
COLORADO ANTI-FRAUD DISCLOSURE
PURSUANT TO C.R.S. 10-1-128 (6)**

"It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies."

TECHNICAL

Tax Account Statement

Statement of Authority

Water Supply Information

Application Fee Receipt

Morgan County Treasurer

Statement of Taxes Due

Account Number R019920

Parcel 104125207001

Assessed To

SMIRKS HOLDING LLC
17601 HWY 34
FORT MORGAN, CO 80701

Legal Description

Subd: GREEK ESTATE MINOR SUB, FM (25-4-58) Lot: 01

Situs Address

17590 CO RD T.5

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2022	\$8,525.08	\$0.00	\$0.00	(\$8,525.08)	\$0.00
Total Tax Charge					\$0.00
Grand Total Due as of 12/14/2023					\$0.00

Tax Billed at 2022 Rates for Tax Area 048 - 048 - RE 3

Authority	Mill Levy	Amount	Values	Actual	Assessed
COUNTY GENERAL FUND	19.4830000	\$2,279.33	RECREATION - LAND	\$63,960	\$18,550
ROAD AND BRIDGE FUND	7.5000000	\$877.43	RECREATION - IMPS	\$339,450	\$98,440
SOCIAL SERVICES FUND	2.0000000	\$233.98	Total	\$403,410	\$116,990
FT MORGAN RURAL FIRE DIST	3.0330000	\$354.83			
FT MORGAN PEST CONTROL	0.2990000	\$34.98			
LOWER S PLATTE WATER CD	1.0000000	\$116.99			
MORGAN CO QUALITY WATER	0.8240000	\$96.40			
NORTHERN COLO WATER CD	1.0000000	\$116.99			
RE 3 F M GENERAL FD	27.0840000	\$3,168.56			
RE 3 F M M/L OVRD	1.7730000	\$207.42			
RE 3 F M BOND RED	8.8740000	\$1,038.17			
Taxes Billed 2022	72.8700000	\$8,525.08			

*****TAX LIEN SALE REDEMPTIONS MUST BE PAID BY CASH OR CASHIER'S CHECK*****

Special taxing districts and the boundaries of such districts may be on file with the County Commissioners, County Clerk, or County Assessor. Unless specifically mentioned, this statement does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or miscellaneous tax collected on behalf of other entities, special or local improvement district assessments, or manufactured homes.

ROBERT A SAGEL, MORGAN COUNTY TREASURER
231 Ensign St, PO Box 593, Fort Morgan, CO 80701
Phone: 970-542-3518, Email: esale@co.morgan.co.us
Website: morgancounty.colorado.gov



City of Fort Morgan

P.O. Box 100 • Fort Morgan, CO 80701
www.cityoffortmorgan.com

November 8, 2023

Morgan County Planning and Zoning

RE: Statement of Authority

Dear associates,

This will serve as authorization for the Mayor, Lyn Deal, to conduct business and sign for the City of Fort Morgan.

If you have any questions, please call me at 970-542-3972.

Thank you,

Brent M. Nation

Brent Nation
City Manager

PEOPLE • PARTNERSHIP • PROGRESS

SMIRK'S HOLDING LLC

Statement of Authority

1. This Statement of Authority relates to an entity named:

SMIRK'S HOLDING, LLC.

2. The type of entity is a (fill in state: revocable or irrevocable): Limited Liability Company (LLC)

3. The entity is formed under the laws of Colorado

4. The mailing address for the entity is: 17601 US HIGHWAY 34,
FORT MORGAN CO 80701

5. The name & position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity are:

NICHOLAS ERKER

MEMBER

CYNTHIA SCHMID

MEMBER

6. The authority of the foregoing person(s) to bind the entity is not limited limited as follows: MAY BIND THE LLC TO ANY LEGAL AGREEMENT.

7. This Statement of Authority is executed on behalf of the entity.

8. This Statement of Authority amends and supersedes in all respect any prior Statement of Authority executed.

Executed this 1ST day of NOVEMBER, 20 23.

NICHOLAS ERKER

CYNTHIA SCHMID



FORM NO
GWS-76
02/2006

WATER SUPPLY INFORMATION SUMMARY
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER
1313 Sherman St., Room 818, Denver, CO 80203
Phone - Info (303) 866-3587 Main (303) 866-3581 Fax (303) 866-3589 <http://www.water.state.co.us>

Section 30-28-133,(d), C.R.S. requires that the applicant submit to the County, "Adequate evidence that a water supply that is sufficient in terms of quantity, quality, and dependability will be available to ensure an adequate supply of water."

1. NAME OF DEVELOPMENT AS PROPOSED:	QUAIL DUNES MINOR SUBDIVISION				
2. LAND USE ACTION:	REPLAT				
3. NAME OF EXISTING PARCEL AS RECORDED:	SUBDIVISION: GREEK ESTATE MINOR SUBDIVISION ; FILING (UNIT) , BLOCK , LOT				
4. TOTAL ACREAGE: 1.94	5. NUMBER OF LOTS PROPOSED	2	PLAT MAP ENCLOSED? <input checked="" type="checkbox"/> YES or <input type="checkbox"/> NO		
6. PARCEL HISTORY - Please attach copies of deeds, plats, or other evidence or documentation.					
A. Was parcel recorded with county prior to June 1, 1972? <input checked="" type="checkbox"/> YES or <input type="checkbox"/> NO					
B. Has the parcel ever been part of a division of land action since June 1, 1972? <input checked="" type="checkbox"/> YES or <input type="checkbox"/> NO					
If yes, describe the previous action: CREATION OF MINOR SUBDIVISION					
7. LOCATION OF PARCEL - Include a map delineating the project area and tie to a section corner SW 1/4 of the NE 1/4, Section 25, Township 4 <input checked="" type="checkbox"/> N or <input type="checkbox"/> S, Range 58 <input type="checkbox"/> E or <input checked="" type="checkbox"/> W Principal Meridian: <input checked="" type="checkbox"/> Sixth <input type="checkbox"/> New Mexico <input type="checkbox"/> Ute <input type="checkbox"/> Costilla					
Optional GPS Location: GPS Unit must use the following settings: Format must be UTM, Units must be meters, Datum must be NAD83, Unit must be set to true N, <input type="checkbox"/> Zone 12 or <input type="checkbox"/> Zone 13 Easting: _____ Northing: _____					
8. PLAT - Location of all wells on property must be plotted and permit numbers provided Surveyor's Plat: <input type="checkbox"/> YES or <input type="checkbox"/> NO If not, scaled hand drawn sketch: <input type="checkbox"/> YES or <input type="checkbox"/> NO N/A					
9. ESTIMATED WATER REQUIREMENTS			10. WATER SUPPLY SOURCE		
USE	WATER REQUIREMENTS				
HOUSEHOLD USE # _____ of units	Gallons per Day	Acre-Foot per Year	<input type="checkbox"/> EXISTING <input type="checkbox"/> DEVELOPED WELL <input type="checkbox"/> SPRING		
COMMERCIAL USE # _____ of S.F. 12,000	300	.33	<input type="checkbox"/> ALLUVIAL <input type="checkbox"/> UPPER ARAPAHOE		
IRRIGATION # _____ of acres	_____	_____	<input type="checkbox"/> UPPER DAWSON <input type="checkbox"/> LOWER ARAPAHOE		
STOCK WATERING # _____ of head	_____	_____	<input type="checkbox"/> LOWER DAWSON <input type="checkbox"/> LARAMIE FOX HILLS		
OTHER: _____	_____	_____	<input type="checkbox"/> DENVER <input type="checkbox"/> DAKOTA		
TOTAL	_____	_____	<input type="checkbox"/> OTHER: _____		
<input type="checkbox"/> NEW WELLS - PROPOSED AQUIFERS - (CHECK ONE) <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> ASSOCIATION <input type="checkbox"/> COMPANY <input checked="" type="checkbox"/> DISTRICT: Morgan County NAME: Quality Water LETTER OF COMMITMENT FOR SERVICE <input type="checkbox"/> YES or <input type="checkbox"/> NO WATER COURT DECREE CASE NUMBERS: _____					
11. WAS AN ENGINEER'S WATER SUPPLY REPORT DEVELOPED? <input type="checkbox"/> YES or <input checked="" type="checkbox"/> NO IF YES, PLEASE FORWARD WITH THIS FORM. (This may be required before our review is completed.)					
12. TYPE OF SEWAGE DISPOSAL SYSTEM					
<input type="checkbox"/> SEPTIC TANK/LEACH FIELD <input checked="" type="checkbox"/> CENTRAL SYSTEM DISTRICT NAME: Morgan Heights Water and Sewer					
<input type="checkbox"/> LAGOON <input type="checkbox"/> VAULT LOCATION SEWAGE HAULED TO: _____					
<input type="checkbox"/> ENGINEERED SYSTEM (Attach a copy of engineering design) <input type="checkbox"/> OTHER: _____					

RECEIPT

Morgan County

231 Ensign, Fort Morgan, CO 80701
(970) 542-3526



RPL2023-0001 | Re-Plat Permit

Receipt Number: 544624

Payment Amount: \$400.00

December 5, 2023

Transaction Method	Payer	Cashier	Reference Number
Check	Smirks Holding LLC	Jenafer Santos	5012

Comments

Assessed Fee Items

Fee items being paid by this payment

Assessed On	Fee Item	Account Code	Assessed	Amount Paid	Balance Due
12/05/23	Replat Fee		\$400.00	\$400.00	\$0.00
Totals:			\$400.00	\$400.00	
Previous Payments					\$0.00
Remaining Balance Due					\$0.00

Application Info

Property Address	Property Owner	Property Owner Address	Valuation
17590 CO RD T.5 FORT MORGAN, CO 80701	SMIRKS HOLDING LLC	17601 HWY 34 FORT MORGAN, CO 80701	

Description of Work

Replat to swap property owned by the City of Fort Morgan currently being used for the golf course as a parking lot for vacant ground to the north of the building.

REFERRALS & RESPONSES

Referral Letter

Referral Responses

Landowner Letter

Landowner Letter Responses

Notifications

Public Comments or Concerns

REFERRAL AGENCIES	RESPONSES RECEIVED
Century Link	
City of Fort Morgan	
Division of Wildlife	
Deuel Snyder Canal	
Fort Morgan Fire District	
Kinder Morgan, Inc.	
Morgan Conservation District	
Morgan County Assessor	<p><u>Response received via email on December 15, 2023</u></p> <p>MCQWD has no objections.</p> <p>Kent A Pflager General Manager Morgan County Quality Water District</p>
Morgan County Rural Electric Assoc.	
Morgan County Emergency Management	
Morgan County Quality Water	
Morgan County Sheriff Dept.	
Morgan County Communications Center	
Morgan County Road & Bridge	
Morgan Heights Water & Sewer	
Morgan Weed & Pest Advisory Committee	
Northeast Colorado Health Department	
Northern Colorado Water Cons. Dist.	
Riverside Irrigation District	
USDA Farm Service Agency	
Xcel Energy	See Attached Letter



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

TO REFERRAL AGENCIES:

Century Link City of Fort Morgan Division of Wildlife Deuel Snyder Canal Fort Morgan Fire District Kinder Morgan, Inc. Morgan Conservation District Morgan County Assessor Morgan County Rural Electric Assoc. Morgan County Emergency Management Morgan County Quality Water	Morgan County Sheriff Dept. Morgan County Communications Center Morgan County Road & Bridge Morgan Heights Water & Sewer Morgan Weed & Pest Advisory Committee Northeast Colorado Health Department Northern Colorado Water Cons Dist. Riverside Irrigation District USDA Farm Service Agency Xcel Energy
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FROM: Jenafer Santos, Morgan County Planning Technician
231 Ensign St, PO Box 596, Fort Morgan, CO 80701
970-542-3526 / 970-542-3509 fax / jsantos@co.morgan.co.us
DATE: December 15, 2023

RE: Land Use Application – Replat

The following Application for a Replat has been submitted to Morgan County. Please review and provide any comments you may have.

Applicant: Smirk's Holding LLC

Landowners: Smirk's Holding LLC / City of Fort Morgan

Legal Description: In the N½ of Section 25, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Also known as 17590 Co. Rd. T.5, Fort Morgan, CO 80701.

Request: The applicant is requesting a Replat of Lot 1 of the Greek Estate Minor Subdivision and a parcel of land in the N½ of Section 25, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. This application is to trade the paved parking lot south of the former restaurant with vacant ground north of the former restaurant. An agreement has been made between Smirk's Holding, LLC and the City of Fort Morgan (the owners of Quail Dunes Golf Course).

You are encouraged to provide comments to this application by January 2nd, 2024 or attend the Board of County Commissioners hearing on Tuesday, January 9th 2024 at 9:00 a.m.



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612

December 18, 2023

Morgan County Planning and Building Department
231 Ensign / PO Box 596
Fort Morgan, CO 80701

Attn: Nicole Hay and Cheryl Brindisi

Re: Smirks, Case # RPL2023-0001

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plan for **Smirks/Quail Dunes Replat** and has **no conflict** with the lot line vacation. Please be aware PSCo owns and operates existing natural gas and both underground and overhead electric distribution facilities along and within the property boundaries. PSCo requests all these facilities be shown on all current and future plans.

The property owner/developer/contractor must complete the application process for any new natural gas or electric service, or modification to existing facilities via xcelenergy.com/InstallAndConnect. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

Additional easements may need to be acquired by separate document – be sure to contact a Right-of-Way Agent in this event.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.

Violeta Ciocanu (Chokanu)
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-285-6612 – Email:



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

December 15, 2023

Dear Neighboring Landowners:

Smirk's Holding LLC as applicant and Smirk's Holding LLC & City of Fort Morgan as landowners, have submitted an application to our office for a Replat of Lot 1 of the Greek Estate Minor Subdivision and a parcel of land in the N½ of Section 25, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. This application is to trade the paved parking lot south of the former restaurant with vacant ground north of the former restaurant. An agreement has been made between Smirk's Holding, LLC and the City of Fort Morgan (the owners of Quail Dunes Golf Course).

This parcel of land is located in the N½ of Section 25, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. Also known as 17590 Co. Rd. T.5, Fort Morgan, CO 80701.

This application will be heard by the Board of County Commissioners at a Public Hearing on **Tuesday, January 9, 2024 at 9:00 A.M.** in the Assembly Room of the Morgan County Administration Building, 231 Ensign St., (Basement Level) Fort Morgan, Colorado.

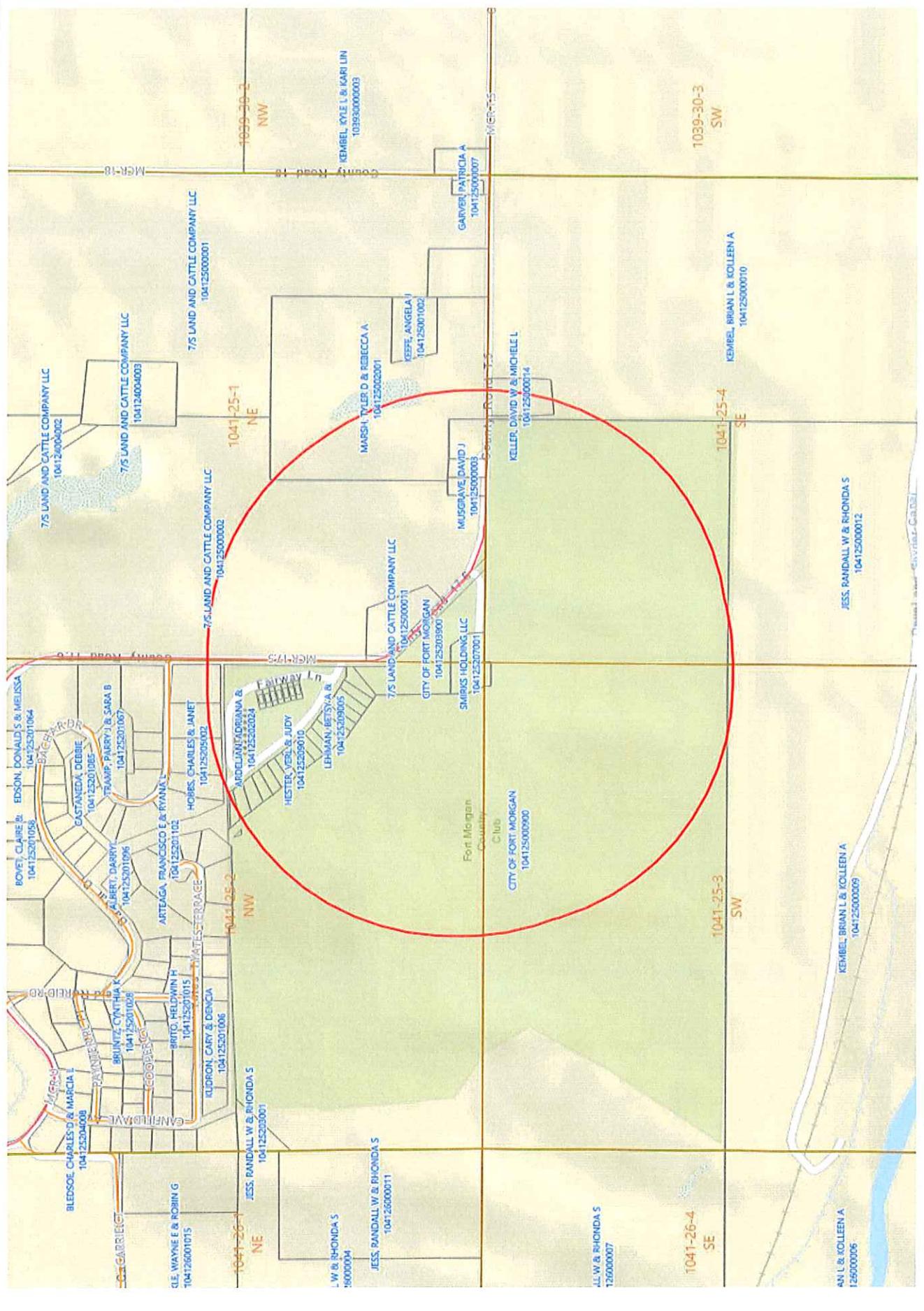
Documents pertaining to the above identified matters are on file in the Planning Administrator's Office located at 231 Ensign St., Fort Morgan, Colorado. If you have any questions pertaining to this application or if you would like to review the file, please contact us at (970) 542-3524 or stop by our office. You may submit written comments to our office no later than **January 2, 2024**.

Sincerely,

Nicole Hay

Nicole Hay
Planning Administrator

25-4-58_Smirks_RPL2023-uu01 ~ 1320' Notification Map



SMIRKS HOLDING LLC
17601 HWY 34
FORT MORGAN, CO 80701

CITY OF FORT MORGAN
P O BOX 100
FORT MORGAN, CO 80701

**NOTICE OF PUBLIC HEARING
MORGAN COUNTY BOARD OF COMMISSIONERS
JANUARY 9, 2024 AT 9:00 A.M.
VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN COUNTY
ADMINISTRATIVE BUILDING, 231 ENSIGN, FORT MORGAN, COLORADO**

Notice is hereby given that on the date and time above (or as soon as possible following the scheduled time) and at the location above, or at such time and place as this hearing may be adjourned, the Morgan County Board of Commissioners will conduct public hearings on the following proposed **Land Use Application**:

1.) Applicant: Smirks Holding LLC

Landowners: Smirks Holding LLC and the City of Fort Morgan

Legal Description: Located in the N ½ of Section 25, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado.

Request: Replat to trade the paved parking lot south of the former restaurant with vacant ground north of the former restaurant. An agreement has been made between Smirk's Holding, LLC and the City of Fort Morgan (the owners of Quail Dunes Golf Course).

Date of Application: December 5, 2023.

THE COUNTY WILL CONTINUE TO OFFER THE OPTION TO ATTEND MEETINGS REMOTELY. IF YOU HAVE ANY QUESTIONS REGARDING ATTENDING THE MEETING, PLEASE CONTACT THE PLANNING OFFICES AT 970-542-3526.

To participate remotely you may connect via Zoom at:

<https://us02web.zoom.us/j/89898467950>

Or Telephone:

Dial:

+1 719 359 4580 US

Webinar ID: 898 9846 7950

The applications and all materials are available for inspection at the Planning Administrator's Office, 231 Ensign Street, basement, Fort Morgan, Colorado, during regular office hours. At the time of hearing, opportunity will be given for the presentation of evidence in support of or in opposition to the application.

Nicole Hay

Nicole Hay
Morgan County Planning Administrator

Published: December 23, 2023

NOTICE OF PUBLIC HEARING
MORGAN COUNTY BOARD OF COMMISSIONERS
JANUARY 9, 2024 AT 9:00 A.M.
VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN
COUNTY ADMINISTRATIVE BUILDING, 231 ENSIGN,
FORT MORGAN, COLORADO

Notice is hereby given that on the date and time above (or as soon as possible following the scheduled time) and at the location above, or at such time and place as this hearing may be adjourned, the Morgan County Board of Commissioners will conduct public hearings on the following proposed Land Use Application:

1.) **Applicant:** Smirks Holding LLC
Landowners: Smirks Holding LLC and the City of Fort Morgan
Legal Description: Located in the N ½ of Section 25, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado.
Request: Replat to trade the paved parking lot south of the former restaurant with vacant ground north of the former restaurant. An agreement has been made between Smirk's Holding LLC and the City of Fort Morgan (the owners of Quail Dunes Golf Course).
Date of Application: December 5, 2023.

THE COUNTY WILL CONTINUE TO OFFER THE OPTION TO ATTEND MEETINGS REMOTELY. IF YOU HAVE ANY QUESTIONS REGARDING ATTENDING THE MEETING, PLEASE CONTACT THE PLANNING OFFICES AT 970-542-3525.

To participate remotely you may connect via Zoom at:
<https://us02web.zoom.us/j/89898467950>
Or Telephone:
Dial:
+1 719 359 4580 US
Webinar ID: 898 9846 7950

The applications and all materials are available for inspection at the Planning Administrator's Office, 231 Ensign Street, basement, Fort Morgan, Colorado, during regular office hours. At the time of hearing, opportunity will be given for the presentation of evidence in support of or in opposition to the application.

/s/Nicole Hay
Nicole Hay
Morgan County Planning Administrator

Published: Fort Morgan Times December 23, 2023-2024581

Prairie Mountain Media, LLC

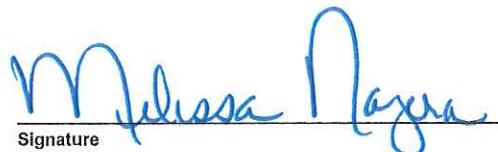
PUBLISHER'S AFFIDAVIT

County of Morgan
State of Colorado

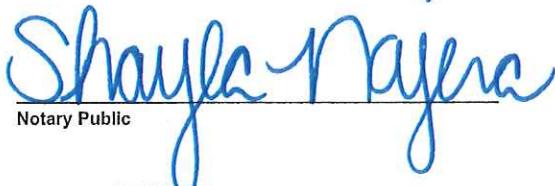
The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Fort Morgan Times*.
2. The *Fort Morgan Times* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Morgan County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Fort Morgan Times* in Morgan County on the following date(s):

Dec 23, 2023


Signature

Subscribed and sworn to me before me this
20th day of December, 2023.


Notary Public

(SEAL)	SHAYLA NAJERA NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20174031965 MY COMMISSION EXPIRES July 31, 2025
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Account: 1052763
Ad Number: 2024581
Fee: \$46.92

ADDITIONAL INFORMATION