| BOARD OF ADJUSTMENTS 5:30 P.M. |AUGUST 18, 2025 | NO PROBLEM ELECTRIC CORP VARIANCE

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MORGAN COUNTY PLANNING AND ZONING DEPARTMENT

July 18, 2025

No Problem Electric Corp 6975 Hwy 66 Platteville, CO 80651 Sent via email: Timmerman Cattle 32295 US Hwy 34 Brush, CO 80723 Sent via email:

Dear Applicant and Landowner:

Your Application for a Variance has been received by our office and will go for review and decision by the Board of Adjustments. This hearing will be held on **Monday, August 18 at 5:30 P.M.**

It is necessary that you and the landowners be present at the hearing to answer any questions that the Board of Adjustments may have. If you or the landowners are unable to attend, a letter stating who will be representing them 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 ZONING DEPARTMENT

MORGAN COUNTY BOARD OF ADJUSTMENT FILE SUMMARY August 13, 2025 August 18, 2025 – Hearing Date

APPLICANTS: No Problem Electric Corp. LANDOWNER: T3 Land & Investment LLC

No Problem Electric Corp has submitted this application on behalf of T3 Land & Investment LLC for a variance from Sec. 4-825(B)(1) of the Zoning Regulations requiring accessory ground mounted solar collectors to be located in a side or rear yard only. The request is to allow for the solar collector to be located in the front yard due to limited available area and adequate sun exposure.

The proposed accessory ground mounted solar collector would be located on a parcel in the NW¼ of Section 4, Township 3 North, Range 55 West, north of Highway 34 and in the W½ of Section 33, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado aka 32295 Highway 34, Brush, CO 80723. The property is in the Brush Fire District.

Accessory Ground-Mounted Solar Collectors

The solar facility is considered an accessory ground-mounted solar collector under the Morgan County Zoning Regulations. Standards are addressed in Section 4-825(B) of the Zoning Regulations:

Accessory ground-mounted solar collectors shall:

- (1) Be located in a side or rear yard only;
- (2) Be set back at least six (6) feet from the side and rear property line;
- (3) Not be located within any third-party easement on the property without written approval from such third-party easement holder;
- (4) Be located so as to minimize glare visible from abutting properties;
- (5) Not exceed fifteen (15) feet in height with panels oriented in a vertical position; and
- (6) Be included in determining the maximum coverage of structures on the lot.

In reviewing this application, the Board of Adjustment is required to make a finding that the criteria for granting a variance in Section 5-220(B) of the Morgan County Zoning Regulations have been satisfied:

- (1) The strict application of the applicable regulation results in peculiar and exceptional practice difficulties or exception and undue hardship on the owner due to:
 - (a) Exceptional narrowness, shallowness, or shape of the property at the time of the enactment of the regulation; or
 - (b) Exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property; and

The variance is requested to allow for an accessory ground-mounted solar collector to be located in the front yard. Due to the property being an active confined animal feeding operation (CAFO) there is limited available area for the solar collector facility.

- (2) The hardship is not self-imposed;
- (3) The variance, if granted, will not adversely affect the use of adjacent property as permitted under these Regulations;
- (4) That the variance, if granted, is in keeping with the intent of the Morgan County Zoning Regulations and the Morgan County Comprehensive Plan; and
- (5) That the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Morgan County.

Approval of this variance request would be subject to approval of a conditional use permit required for an accessory, non-residential, ground-mounted solar collector in the Agricultural Production zone district.

Nicole Hay, Morgan County Planning Administrator

ORIGINAL SUBMITTAL

Original Application Right to Farm

MORGAN COUNTY	MORGAN COUNTY PLANNIN ZONING & BUILDING DEPT. 231 Ensign, P.O. Box 596 Fort Morgan, Colorado 80701 PHONE (970)542-3526 EAV (970)542-3509	G, Date Rec App Fee 100 Year
Where Prairie Meets The Sky	FAX (970)542-3509 EMAIL permits licensing@co.m	

APPLICANT

PERMIT	#_	ZV2025

CB Date Received Received By 3185062 Paid App Fee \$ 500 Ck/CC #:

LANDOWNER

100 Year Floodplain Y/N

Taxes Current Y/N

0002

25

VARIANCE TO ZONING REGULATIONS APPLICATION

Landowner MUST Sign Application and Right to Farm Policy

Name No Problem Electric Corp	Name_ Timmerman Cattle
Address 6975 State Hwy 66, Platteville, CO 80651	Address 32295 US-34, Brush, CO 80723
Phone	Phone
Email_	Email
PROPERTY LEGAL DESCRIPTION *If more space	ce is necessary, attach an extra page to this application
Job Site Address or General Location if not addressed:	
32295 US-34, Brush, CO 80723	
Parcel #: 123304000003 - S: 04	T: 03 R: 55
Size of Property 348.30 (in sq. ft. or acres)	Zone District: A
Subdivision:	
Is property located within 1320' (1/4) of a livestock confine	ment facility? <u>Y/N</u>
TYPE OF VARIANCE	
☐Minimum Area of Lot (see list of additional attachments)	fromto
☐Minimum Width of Lot- fromtoto	
☐ Maximum Height of Fence, Sign or Structure from	to
☐Minimum Front Yard fromto	
☐ Minimum Side Yard fromto	
☐Minimum Rear Yard fromto	
☑Other: Variance from Section # 4-825(B)(1) of Mo	rgan County Zoning Regulations,
Notes:	

SEE REQUIRED ATTACHMENT LIST ON BACK OF THIS PAGE. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED OR PROCESSED.

VARIANCE TO ZONING REGULATIONS APPLICATION REQUIRED ATTACHMENT LIST

Fee:	Non-Refundable Application Fee as determined by staff: □\$Administrative Review (variance of 10% or less) OR □\$Full Review *Fee may be subject to change per section 2-160 of Morgan County Zoning Regulations. Applicant will be responsible for any legal fees after the first 3 hours. Recording Fees: All recording fees will be collected at the conclusion of all hearings Made payable to Morgan County Clerk & Recorder
Project Narrative:	■ Narrative must include: ■ Name and explain in detail the interpretation of the provisions of the Zoning Regulations that would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
	Discuss fully the special conditions and circumstances that exist which are peculiar to the lot, structure, or building involved and which are not applicable to other lots, structures or buildings in the same zoning district.
	Explain how special conditions or circumstances do not result solely from the action of the applicant.
	Provide evidence that the variance requested is the minimum variance that will make possible the use of the lot, building, or structure.
	☐All off-site impacts and proposed mitigation measures
Site Map & Plans:	Site Plan must be drawn to scale and show the location of existing structures, fences, natural features, streets, rights-of-way, easements, greenbelt areas, boundary lines and lot lines. The site plan will graphically display the design standards, such as setbacks, which are the subject of application request, and other pertinent information required for the project, including widths per Morgan County Zoning Regulations, Section 2-470
	Include any easements required-widths and other pertinent information. May be required to supply copies of easement agreements
	☐ Construction Plans-detailed and thorough (must be sent electronically)
	□ Drainage/Run-Off Control Plan may be required prior to approval if the Planning Administrator determines that the use, building or structure meets one of the following criteria: (see Morgan County Zoning Regulations 3-130(G))
	 The accessory use or building may have a drainage impact on adjacent properties; The accessory use or building may have a drainage impact on adjacent right of ways; The accessory structure is 5000 square feet or larger.
Proof of Ownership	☐ Current title insurance commitment or Attorney's opinion (last 30 days)

<u>Utilities/Access</u> :	driveways off county or state	maintained roads)	new and existing
	☐ Ditch Company- Proof of	contact if there is a ditch on or next to you	r property
	☐ Architecture Control Ap	proval (if applicable)	
Technical:	☐ Right to Farm Policy sign	ned by Landowner (attached)	
	□Names and addresses of all	mineral rights owners and/or lessees	
	☐ Approval of project from a	djoining landowners (administrative review	only)
	☐# Paper Application s One sided only p □ Additional information as r	9 20 22	
	ments for Minimum Lot Size excerpt for more details	or Lot Width Variances: (Or as required	by staff)
	□Survey per Sections 8-175	and 8-180 of the Morgan County Subdivis	ion Regulations
	□ Water -must prove quality, Permit from Colorado Depart https://dwr.state.co.us/Tools/V	,	tract or current
	□ Sewer (Septic Permit, Will	Serve Letter from NCHD or proof of other	r public system)
	□ Electric (Electric bill or let	ter of commitment from electricity provide	er)
APPLICANT'S	STATEMENT		
Applications will no	t be accepted for properties whi	ch are not current in their property taxes.	
responsibility of the	landowner and not that of Morg	a this property in the past, present or future gan County. I/we certify that the informatio of my knowledge. Application must be sign	n and exhibits
MAH	6/10/2025	Michael L Timmerman	6/10/2025
Applicant Signature	Date	Landowner Signature	Date
Applicant Signature	Date	Landowner Signature	Date

MORGAN COUNTY RIGHT TO FARM POLICY

Morgan County is one of the most productive agricultural counties in Colorado. Ranching, farming, animal feeding, and all 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. Over 70% of the County's acreage is devoted to farming and raising livestock with over 700 farms. The agricultural products produced by those farms create millions of dollars of market value. Morgan County recognizes the importance of agricultural operations as necessary and worthy of recognition and protection and supports policies to maintain the high-quality rural character of the County.

Living in Morgan County requires residents to accept the effects of agriculture and rural living as part of daily life. Agricultural users of the land are not expected to change their long-established agricultural practices to accommodate the intrusions of residential activities into a rural area. These effects may include noise from tractors, equipment, and aerial spraying at any time; dust from animal pens, field work, harvesting, and use of gravel roads; odor from confinement animal feeding operations, silage and manure; smoke from ditch burning; flies and mosquitoes; the use of pesticides and fertilizers; and movement of livestock or machinery on public roads. Under Colorado law, these activities are not considered nuisances and are protected.

Residents must also accept that public services in rural areas are different than urban or suburban areas. Specifically, regular road maintenance may be less available and may be at a lower level. In certain circumstances, the standard for maintenance may be determined on whether the road is passable and usable and not whether the road surface is rough. County gravel roads, no matter how often they are maintained, will not provide the same kind of surface expected from a paved road and will not support travel at the recommended speed. Further, the County may permit certain road maintenance activities by agricultural producers or other industries to allow those commercial activities to continue when County resources are unavailable due to other road issues or events. The County considers these activities to be integral to the protection of agricultural operations in Morgan County.

In addition, in Morgan County, utility services may be nonexistent or subject to interruption; law enforcement, fire protection and ambulance service will have considerably longer response times; and snow may not be removed from County roads for several days after a major snowstorm. The County prioritizes snow removal as it deems necessary.

People are exposed to different hazards in a rural setting than they are in an urban or suburban area. Farms, ponds, irrigation ditches, electrical service to pumps and oil field equipment and operations, noxious weeds, livestock, and territorial animals may present real threats to people. It is necessary that all activities are supervised for both the protection of the people and protection of agricultural activities and owners may need to fence property to ensure a safe environment.

All County residents 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, including but not limited to, the Colorado Fence and Right to Farm laws, and Morgan County Zoning Regulations regarding maintenance of fences, controlling weeds, and keeping animals under control. Residents are responsible for understanding and accepting the implications of living in a rural agricultural area.

Information regarding these topics may be obtained from the Morgan County Extension Office and Planning and Zoning Department.

RECEIPT AND STATEMENT OF UNDERSTANDING

I hereby certify that I have read and understood the Morgan County Right to Farm Policy. I further state that I am aware and acknowledge that the conditions of living in a rural area, primarily used for agricultural production, and that I understand these activities are protected under Colorado law and are not considered a nuisance.

Michael L Timmer	man 6/10/2025		
Signature	Date	Signature	Date
Michael Timmerman Printed Name		Printed Name	
165 S 2nd Street, Spring	field, NE 68059		
Address		Address	

STATEMENT OF AUTHORITY

1.	This Statement of Authority relates to	an entity! named NEAT LLC
	and is executed on behalf of the entity	pursuant to the provisions of Section 38-30-172, C.R.S.
2.	The type of entity is a: trust nonprofit corporation filmited liability company general partnership limited partnership	□ registered limited liability partnership □ registered limited liability limited partnership □ limited partnership association □ government or governmental subdivision or agency □ corporation
3.	The entity is formed under the laws of	Colorado
4.	The mailing address for the entity is	Springfield, NE 68059
5.	The A name position of each potential otherwise affecting title to real property Michael Timmer mo	person authorized to execute instruments conveying, encumbering, or on behalf of the entity is
6.2	The authority of the foregoing person (sas follows:	s) to bind the entity is Inot limited I limited
7.	Other matters concerning the manner in	which the entity deals with interests in real property:
Exe	cuted this June 17th 2	025
		Michael Timmour Signature
		Signature
	ATE OF COLORADO UNTY OF Sav Py	}ss:
The by_	foregoing instrument was acknowledged	d before me this 19th day of June,
Witi	ness my hand and official seal.	Michael Colvaile
Му	commission expires: _O(\o3	2028 Notary Public
² The	s form should not be used unless the entity is absence of any limitation shall be prima faci statement of authority must be recorded to o	e evidence that no such limitation exists. A GENERAL NOTARY - State of Maharaka

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to a	entity' named 100 Problem Electric cursuant to the provisions of Section 38-30-172, C.R.S.	
and is executed on behalf of the entity	rsuant to the provisions of Section 38-30-172, C.R.S.	(o/A)
2. The type of entity is a: trust nonprofit corporation limited liability company	registered limited liability partnership registered limited liability limited partnership limited partnership association government or governmental subdivision or agency corporation	
3. The entity is formed under the laws of	State of Colorado	
	6975 State Huy 66 Platteville co 80651	
5. The stane sposition of each potential otherwise affecting title to real property 62 The authority of the form	son authorized to execute instruments converies	ncumbering, or
6.2 The authority of the foregoing person (s	to bind the entity is a not limited limited	
7. Other matters concerning the manner in	which the entity deals with interests in real property:	
Executed this June 1746	025	
	Signature	
	Signature	
STATE OF COLORADO COUNTY OF Weld	} ss:	
The foregoing instrument was acknowledged Nichdas Hirsch	pefore me this 17 day of June	
Vitness my hand and official seal.	Dinabith Frances	1
ly commission expires: July 02, 8		Notary Public

¹This form should not be used unless the entity is capable of holding title to real property.

²The absence of any limitation shall be prima facie evidence that no such limitation exists.

³The statement of authority must be recorded to obtain the benefits of the statute.

TINABETH FRANCES DORRANCE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20204023038
MY COMMISSION EXPIRES JULY 02, 2028

RECEIPT

Morgan County

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

ZV2025-0002 | Zoning Variance



Receipt Number: 545798

July 10, 2025

Transaction Method

Payment Amount:

Payer Kevin Fink

\$500.00

Cashier

Reference Number

Credit Card Kevin

Cheryl Brindisi

CC3185062

Comments

Assessed Fee Items

Fee items being paid by this payment

Assessed On	Fee Item	Account Code	Assessed	Amount Paid	Balance Due
07/10/25	Variance - BOA		\$500.00	\$500.00	\$0.00
		Totals:	\$500.00	\$500.00	
				ious Payments g Balance Due	\$0.00 \$0.00

Application Info

Property Address

Property Owner

Property Owner Address

Valuation

32295 HWY 34 BRUSH, CO 80701

T3 LAND & INVESTMENT LLC P O BOX 408

BRUSH, CO 80723

Description of Work

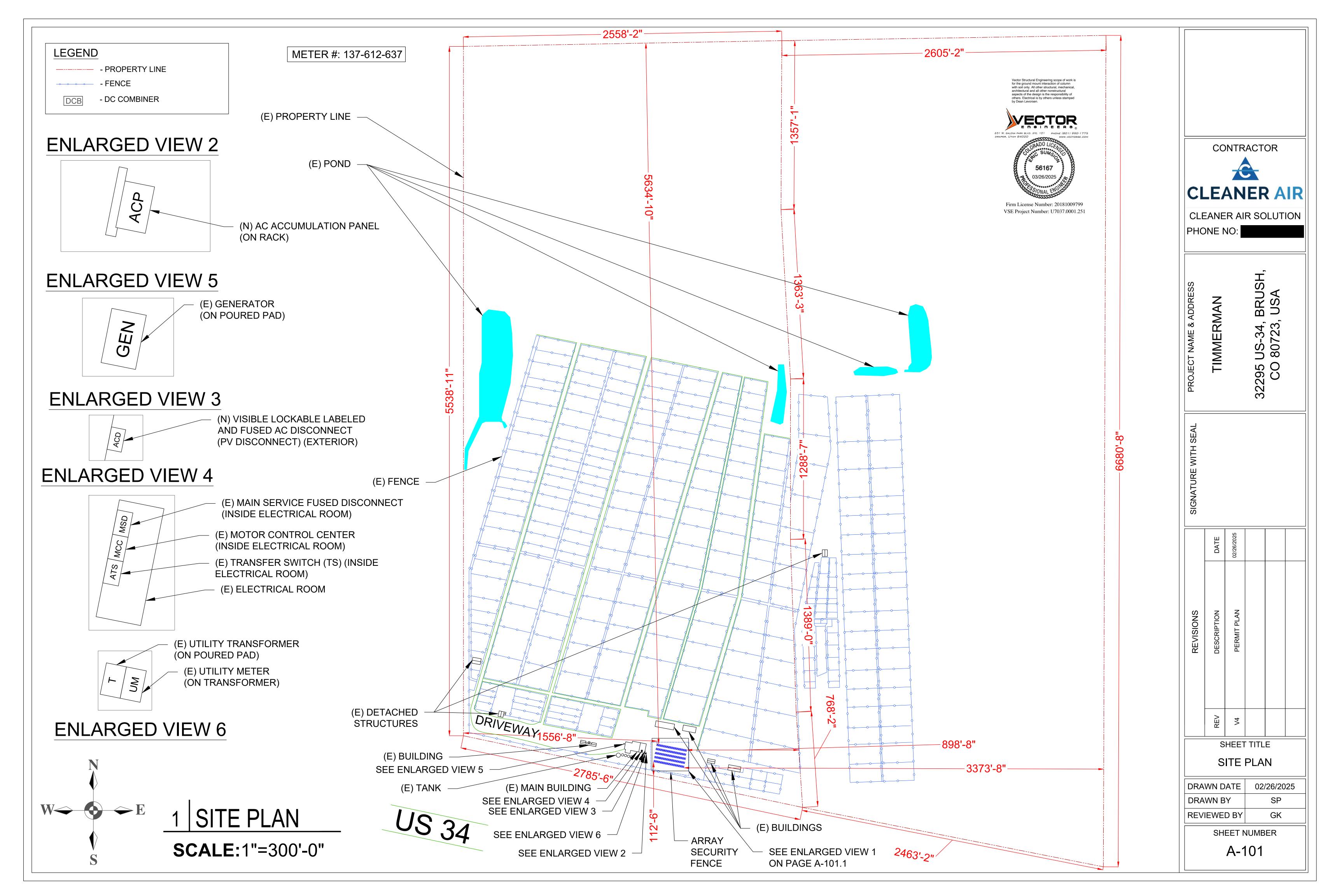
Variance to 4-825 (B)(1). Applicants are asking to place an Accessory Ground-Mounted Solar Collector into the front yard setbacks.

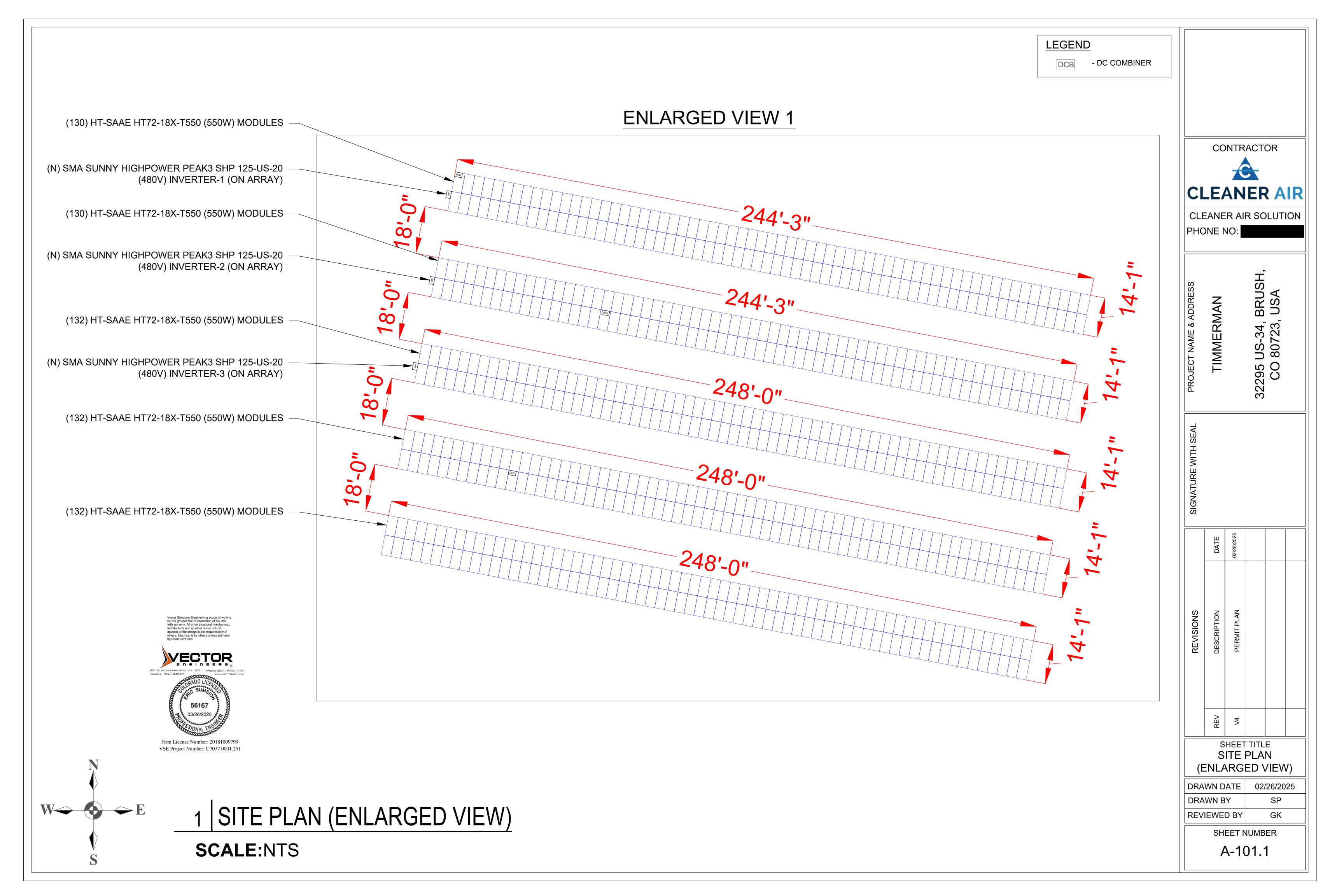
NARRATIVE

Variance Application Narrative:

No Problem Electric Corp is requesting approval of this Variance application for a 375 kW AC Accessory Ground-Mounted Solar Collector on parcel 123304000003. Due to the limited available area on the site with adequate solar exposure, placing the system within the standard setback would significantly reduce energy production, undermining the system's ability to meet the cattle farms projected consumption and undermining project feasibility. The reason for the variance is due to the regulations in Section 4-825(B)(1) state an accessory ground mounted solar collector shall be located in a side or rear yard only. The impact of this variance is minimal. No grading, drainage, or environmental disruption is expected as a result of the placement. By granting this variance, the system will be able to generate the intended energy output while maintaining visual and environmental harmony with the surrounding area. This promotes clean energy goals and sustainability efforts without adversely affecting neighboring properties.

SITE PLAN/MAPS





NEW PHOTOVOLTAIC SYSTEM 360.80 KW DC 32295 US-34, BRUSH, CO 80723, USA

GENERAL NOTES

1.1.1 PROJECT NOTES:

1.1.2 THIS PHOTOVOLTAIC (PV) SYSTEM SHALL COMPLY WITH THE NATIONAL ELECTRIC CODE (NEC) ARTICLE 690, ALL MANUFACTURERS'S LISTING AND INSTALLATION INSTRUCTIONS, AND THE RELEVANT CODES AS SPECIFIED BY THE AUTHORITY HAVING JURISDICTION'S (AHJ) APPLICABLE CODES.

- 1.1.3 THE UTILITY INTERCONNECTION APPLICATION MUST BE APPROVED AND PV SYSTEM INSPECTED PRIOR TO PARALLEL OPERATION
- 1.1.4 GROUND FAULT DETECTION AND INTERRUPTION (GFDI) DEVICE IS ACCORDANCE WITH NEC 690.41(B)
- 1.1.5 ALL PV SYSTEM COMPONENTS; MODULES, UTILITY-INTERACTIVE INVERTERS, AND SOURCE CIRCUIT COMBINER BOXES ARE IDENTIFIED AND LISTED FOR USE IN PHOTOVOLTAIC SYSTEMS AS REQUIRED BY NEC 690.4: PV MODULES: UL1703, IEC61730, AND IEC61215, AND NFPA 70 CLASS C FIRE INVERTERS: UL 1741 CERTIFIED, IEEE 1547, 929, 519 COMBINER BOX(ES): UL 1703 OR UL 1741 ACCESSORY
- 1.1.6 MAX DC VOLTAGE CALCULATED USING MANUFACTURER PROVIDED TEMP COEFFICIENT FOR VOC. IF UNAVAILABLE, MAX DC VOLTAGE CALCULATED ACCORDING TO NEC 690.7.
- 1.1.7 ALL INVERTERS, PHOTOVOLTAIC MODULES, PHOTOVOLTAIC PANELS, AND SOURCE CIRCUIT COMBINERS INTENDED FOR USE IN A PHOTOVOLTAIC POWER SYSTEM WILL BE IDENTIFIED AND LISTED FOR THE APPLICATION PER 690.4 (D). SHALL BE INSTALLED ACCORDING TO ANY INSTRUCTIONS FROM LISTING OR LABELING [NEC 110.3].
- 1.1.8 ALL SIGNAGE TO BE PLACED IN ACCORDANCE WITH LOCAL BUILDING CODE. IF EXPOSED TO SUNLIGHT, IT SHALL BE UV RESISTANT. ALL PLAQUES AND SIGNAGE WILL BE INSTALLED AS REQUIRED BY THE NEC AND AHJ.

1.2.1 SCOPE OF WORK:

1.2.2 PRIME CONTRACTOR IS RESPONSIBLE FOR THE DESIGN AND SPECIFICATIONS OF THE GRID-TIED PHOTOVOLTAIC SYSTEM RETROFIT. PRIME CONTRACTOR WILL BE RESPONSIBLE FOR COLLECTING EXISTING ONSITE REQUIREMENTS TO DESIGN, SPECIFY, AND INSTALL THE EXTERIOR GROUND-MOUNTED PORTION OF THE PHOTOVOLTAIC SYSTEMS DETAILED IN THIS DOCUMENT

1.2.3 INSTALLING CONTRACTOR IS RESPONSIBLE FOR FOLLOWING EQUIPMENT MANUFACTURER'S INSTALLATION AND COMMISSIONING MEANS AND METHODS.

1.3.1 WORK INCLUDES:

- 1.3.2 PV RACKING SYSTEM INSTALLATION UNIRAC GFT GROUND MOUNT 1.3.3 PV MODULE AND INVERTER INSTALLATION - HT-SAAE HT72-18X-T550 (550W) MODULES / SMA SUNNY HIGHPOWER PEAK3 SHP 125-US-20 (480V) INVERTERS
- 1.3.4 PV EQUIPMENT GROUND MOUNT
- 1.3.5 PV SYSTEM WIRING TO A GROUND-MOUNTED DC COMBINER BOX
- 1.3.6 PV LOAD CENTERS (IF INCLUDED)
- 1.3.7 PV METERING/MONITORING (IF INCLUDED)
- 1.3.8 PV DISCONNECTS
- 1.3.9 PV GROUNDING ELECTRODE & BONDING TO (E) GEC
- 1.3.10 PV FINAL COMMISSIONING
- 1.3.11 (E) ELECTRICAL EQUIPMENT RETROFIT FOR PV
- 1.3.12 SIGNAGE PLACED IN ACCORDANCE WITH LOCAL BUILDING CODE

PROJECT INFORMATION

PROJECT

NAME: TIMMERMAN

CONTRACTOR INFORMATION

CONTRACTOR NAME: CLEANER AIR SOLUTION

PHONE NO: (913) 626-1971



SCOPE OF WORK

SYSTEM SIZE: STC: 656 X 550W= 360.80 kW DC

AC SIZE: 375 kW AC

(656) HT-SAAE HT72-18X-T550 (550W) MODULES

(03) SMA SUNNY HIGHPOWER PEAK3 SHP 125-US-20 (480V) INVERTERS

ATTACHMENT TYPE: UNIRAC GFT GROUND MOUNT

MSP UPGRADE: NO

AUTHORITIES HAVING JURISDICTION **BUILDING: MORGAN COUNTY**

UTILITY: NA

DESIGN SPECIFICATION

FOUNDATION TYPE - DRIVEN

- MORGAN COUNTY ZONING

GROUND SNOW LOAD - 30 PSF

WIND EXPOSURE

WIND SPEED - 103 MPH

RICK CATEGORY

APPLICABLE CODES & STANDARDS

IBC 2021 BUILDING: **ELECTRICAL: NEC 2023** IFC 2021 FIRE:



VICINITY MAP



SATELLITE VIEW



SHEET INDEX

T-001	COVER PAGE
G-001	NOTES
A-101	SITE PLAN
A-101.1	SITE PLAN (ENLARGED VIEW)
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A-102.1	ELECTRICAL PLAN (ENLARGED VIEW)
A-103-A-103.1	ATTACHMENT PLAN
E-601	LINE DIAGRAM
E-602	ELECTRICAL CALCULATION
E-603	WARNING LABLES
E-604	PLACARDS
R-001-R-002	RESOURCE DOCUMENTS

CLEANER AIR

CONTRACTOR

CLEANER AIR SOLUTION PHONE NO:

US-34, 80723, 32295 CO

	DATE	02/26/2025		
REVISIONS	DESCRIPTION	PERMIT PLAN		
	REV	74		
SHEET TITLE				

COVER PAGE

	SHEET NUMBER		
	REVIEWED BY	GK	
	DRAWN BY	SP	
	DRAWN DATE	02/26/2025	

T-001

NOTES

- 1. EXISTING PLUMBING VENTS, SKYLIGHTS, EXHAUST OUTLETS, VENTILATIONS INTAKE AIR OPENINGS SHALL NOT BE COVERED BY THE SOLAR PHOTOVOLTAIC SYSTEM.
- 2. EQUIPMENT. INVERTERS, MOTOR GENERATORS, PHOTOVOLTAIC MODULES, PHOTOVOLTAIC PANELS, AC PHOTOVOLTAIC MODULES, SOURCE-CIRCUIT COMBINERS, AND CHARGE CONTROLLERS INTENDED FOR USE IN PHOTOVOLTAIC POWER SYSTEMS SHALL BE IDENTIFIED AND LISTED FOR THE APPLICATION. (NEC 690.4(B))
- 3. ALL OUTDOOR EQUIPMENT SHALL BE NEMA 3R RATED, INCLUDING ALL ROOF MOUNTED TRANSITION BOXES AND NON ROOF SWITCHES. ROOF SWITCHES TO BE NEMA 4 RATED.

 4. ALL EQUIPMENT SHALL BE PROPERLY GROUNDED AND BONDED IN ACCORDANCE WITH NEC ARTICLE 250.

 5.PROTECTION DEVICES FOR PV SOURCE CIRCUITS AND PV OUTPUT CIRCUITS ALSO CONNECTED TO SOURCES HAVING SIGNIFICANTLY HIGHER CURRENT AVAILABILITY (E.G., PARALLEL STRINGS OF MODULES, UTILITY POWER), SHALL BE PROTECTED AT THE SOURCE FROM OVERCURRENT. [NEC 690.9(A)]

 6.PV SYSTEM CIRCUITS INSTALLED ON OR IN BUILDINGS SHALL INCLUDE A RAPID SHUTDOWN FUNCTION THAT CONTROLS SPECIFIC CONDUCTORS.[NEC 690.12]
- 7.THE UTILITY INTERACTIVE INVERTERS SHALL AUTOMATICALLY DE-ENERGIZE ITS OUTPUT TO THE CONNECTED ELECTRICAL PRODUCTION AND DISTRIBUTION NETWORK UPON LOSS OF VOLTAGE IN THE SYSTEM AND SHALL REMAIN IN THAT STATE UNTIL THE ELECTRICAL PRODUCTION AND DISTRIBUTION NETWORK VOLTAGE HAS BEEN RESTORED.[NEC 705.41] 8.ALL CONDUCTOR EXPOSED TO WEATHER SHALL BE LISTED & IDENTIFIED FOR USE IN DIRECT SUNLIGHT. [NEC 310.10(D)(1)] 9.THE MODULE CONDUCTORS MUST BE TYPE USE-2 OR LISTED FOR PHOTOVOLTAIC (PV) WIRE. (NEC 690.31(C)) 10.ALL CONDUCTORS SHALL BE MARKED ON EACH END FOR
- 11.AN INSULATED GROUNDED CONDUCTOR OF 6 AWG OR SMALLER SHALL BE IDENTIFIED AS A CONTINUOUS WHITE FINISH. [NEC 200.6]

UNIQUE IDENTIFICATION.

- 12.THE OUTPUT OF AN INTERCONNECTED ELECTRICAL POWER SOURCE SHALL BE PERMITTED TO BE CONNECTED TO THE LOAD SIDE. INTERCONNECTING PROVISIONS FOR OTHER POWER SOURCES SHALL COMPLY WITH 705.12(B)(1) THROUGH 05.12(B)(5) 13. EACH SOURCE INTERCONNECTION OF ONE OR MORE POWER SOURCES INSTALLED IN ONE SYSTEM SHALL BE MADE AT A DEDICATED CIRCUIT BREAKER OR FUSIBLE DISCONNECTING MEANS [NEC 705.12(B)(1)]
- 14.THE SUM OF THE AMPERE RATING OF THE OVERCURRENT DEVICES IN CIRCUITS SUPPLYING POWER TO THE BUSBAR OR CONDUCTOR SHALL NOT EXCEED 120% OF THE RATING OF BUSBAR OR CONDUCTOR.[NEC 705.12(B)(3)(2)]

 15.A CONNECTION AT EITHER END, BUT NOT BOTH ENDS, OF A
- CENTER-FED PANEL BOARD IN DWELLINGS SHALL BE PERMITTED WHERE THE SUM OF 125 PERCENT OF THE POWER SOURCE(S) OUTPUT CIRCUIT CURRENT AND THE RATING OF THE OVERCURRENT DEVICE PROTECTING THE BUSBAR DOES NOT EXCEED 120 PERCENT OF THE CURRENT RATING OF THE BUSBAR. [NEC 705.12(B)(3)(2)]
- 16.EQUIPMENT CONTAINING OVERCURRENT DEVICES IN CIRCUITS SUPPLYING POWER TO A BUS BAR OR CONDUCTOR

- SHALL BE MARKED TO INDICATE THE PRESENCE OF ALL SOURCES. [NEC 705.12(B)(3)]
- 17.CIRCUIT BREAKER, IF BACKFED, SHALLBE SUITABLE FOR SUCH OPERATION. [NEC 705.12(B)(4)] 18.TO MINIMIZE OVERHEATING OF THE BUSBAR IN PANELBOARD, THE PANELBOARD MAIN CIRCUIT BREAKER AND THE PV POWER SOURCE CIRCUIT BREAKER SHALL BE PHYSICALLY LOCATED AT THE OPPOSITE END OF THE BUSBAR.
- 19. ALL THE NEC REQUIRED WARNING SIGNS, MARKINGS, AND LABELS SHALL BE POSTED ON EQUIPMENT AND DISCONNECTS PRIOR TO ANY INSPECTIONS TO BE PERFORMED BY THE BUILDING DEPARTMENT INSPECTOR. 20.WHERE PV SYSTEM DC CIRCUIT'S RUN INSIDE A BUILDING, THEY SHALL BE CONTAINED IN METAL RACEWAYS TYPE MC METAL CLAD CABLE OR METAL ENCLOSURES FROM POINT OF PENETRATION OF THE SURFACE OF THE BUILDING TO THE FIRST READILY ACCESSIBLE DISCONNECTING MEANS. [NEC 690.31(G)] 21.FLEXIBLE, FINE-STRANDED CABLES SHALL BE TERMINATED ONLY WITH TERMINALS, LUGS, DEVICES OR CONNECTOR THAT ARE IS IN ACCORDANCE WITH NEC 110.14
- 22.CONNECTORS SHALL BE OF LATCHING OR LOCKING TYPE. CONNECTORS THAT ARE READILY ACCESSIBLE AND OPERATING AT OVER 30V DC OR 15V AC SHALL REQUIRE TOOL TO OPEN AND MARKED "DO NOT DISCONNECT UNDER LOAD" OR "NOT FOR CURRENT INTERRUPTING".[NEC 690.33(C) & (E)(2)] 23. EQUIPMENT GROUNDING CONDUCTOR FOR PV MODULES SMALLER THAN 6AWG SHALL BE PROTECTED FROM PHYSICAL DAMAGE BY A RACEWAY OR CABLE ARMOR. [NEC 690.46 & 250.120(C)] 24. AN EQUIPMENT GROUNDING CONDUCTOR SHALL NOT
- 24. AN EQUIPMENT GROUNDING CONDUCTOR SHALL NOT BE SMALLER THAN 14 AWG. [NEC 690.45]
 25. FINE STRANDED CABLES USED FOR BATTERY TERMINALS, DEVICES, AND CONNECTIONS REQUIRE LUGS AND TERMINALS IS IN ACCORDANCE WITH NEC 110.14
 26.GROUNDING ELECTRODE CONDUCTOR(S) SHALL BE INSTALLED IN ONE CONTINUOUS LENGTH WITHOUT A SPLICE OR JOINT. IF NECESSARY, SPLICES OR CONNECTIONS SHALL BE MADE AS PERMITTED. (NEC 250.64 C)

GENERAL CONDUCTOR INSULATION KEY

DC CONDUCTORS

POSITIVE(UNGROUNDED) RED
NEGATIVE(UNGROUNDED) BLACK

480/277V AC CONDUCTORS

PHASE L1 BROWN
PHASE L2 ORANGE
PHASE L3 YELLOW

120/208V OR 240V AC CONDUCTORS

PHASE L1 BLACK
PHASE L2 RED (SEE NOTE)

PHASE L3

NEUTRAL

GROUND

BLUE

WHITE OR GREY

GREEN OR BARE Cu

NOTE: THREE PHASE HIGH LEG MUST BE IN ORANGE COLOR PER NFPA 70.

GROUND FAULT PROTECTION

- 1. PHOTOVOLTAIC INVERTERS SHALL BE EQUIPPED WITH DC GROUND FAULT PROTECTION. INVERTERS ARE ALSO EQUIPPED WITH ANTI-ISLANDING CIRCUITRY. DISCONNECTING MEANS
- 1. MEANS SHALL BE PROVIDED TO ISOLATE EACH SOURCE CIRCUIT FROM THE SYSTEM.
- 2. WHERE A CIRCUIT GROUNDING CONNECTION IS NOT DESIGNED TO BE AUTOMATICALLY INTERRUPTED AS PART OF THE GROUND-FAULT PROTECTION, A SWITCH OR CIRCUIT BREAKER USED AS A DISCONNECTING MEANS SHALL NOT HAVE A POLE ON THE GROUNDED CONDUCTOR.
- 3. THE GROUNDED CONDUCTOR MAY HAVE A BOLTED OR TERMINAL DISCONNECTING MEANS TO ALLOW MAINTENANCE OR TROUBLESHOOTING BY QUALIFIED PERSONNEL.
- 4. EQUIPMENT SUCH AS PHOTOVOLTAIC SOURCE CIRCUITS, OVER CURRENT DEVICES, AND BLOCKING DIODES SHALL BE PERMITTED ON THE PHOTOVOLTAIC SIDE OF THE PHOTOVOLTAIC DISCONNECTING MEANS.
- 5. MEANS SHALL BE PROVIDED TO DISCONNECT INVERTERS FROM ALL UNGROUNDED CONDUCTORS OF ALL SOURCES. IF THE EQUIPMENT IS ENERGIZED FROM MORE THAN ONE SOURCE, THE DISCONNECTING MEANS SHALL BE GROUPED AND IDENTIFIED.
- 6. A SINGLE DISCONNECTING MEANS SHALL BE PERMITTED FOR THE COMBINED OUTPUT OF ONE OR MORE INVERTERS IN A GRID INTERACTIVE SYSTEM.
- 7. DISCONNECTING MEANS SHALL BE PROVIDED TO DISCONNECT A FUSE FROM ALL SOURCES OF SUPPLY IF THE FUSE IS ENERGIZED FROM BOTH DIRECTIONS AND IS ACCESSIBLE TO OTHER THAN QUALIFIED PERSONS. SUCH A FUSE IN A PHOTOVOLTAIC SOURCE CIRCUIT SHALL BE CAPABLE OF BEING DISCONNECTED INDEPENDENTLY OF FUSES IN OTHER PHOTOVOLTAIC SOURCE CIRCUITS.



SIGNATURE WITH SEAL

	DATE	02/26/2025							
REVISIONS	DESCRIPTION	PERMIT PLAN							
	REV	4							
	SHEET TITLE								
NOTES									

DRAWN DATE 02/26/2025
DRAWN BY SP
REVIEWED BY GK

SHEET NUMBER

G-001

PROOF OF OWNERSHIP

Title Commitment

NORTHERN COLORADO TITLE SERVICES CO., INC.

205 W. KIOWA AVENUE FORT MORGAN, CO 80701 TELEPHONE (970)867-0233 *** FAX (970)867-7750

DATE: June 9, 2025 ORDER NO.: NCT25504

PROPERTY ADDRESS: 32295 HIGHWAY 34, Brush, CO 80723

OWNER/PURCHASER: T3 LAND & INVESTMENT LLC

TO BE DETERMINED

PLEASE DELIVER TO THE FOLLOWING CUSTOMERS:

v	т	CLEANED AID COLUTIONS		ATTN.	CHAMNIADDEL		
<u> </u>	10:	CLEANER AIR SOLUTIONS		ATTN:	SHAWN HARREL		
		SENT CHECK IN MAIL 6/6/25		Fax No.:			
ORDER.	SHO CT LIN E APF	LEASE FIND THE FOLLOWING ITEM(S) ULD YOU HAVE ANY QUESTIONS REGA DA, AUBREY, LISA OR SHERYL. FOR CL PRECIATE YOUR BUSINESS VERY MUC N.	RDING TH OSING A	HE ATTAC SSISTANO	HED DOCUMENTATION, PLEASE CE, PLEASE CONTACT LINDA OR		
E-MAIL ADDRESS FOR CLOSING DOCUMENTS: closing@ncts.com HAVE A WONDERFUL DAY!!!							
X	TBD	COMMITMENT		OWNER	S TITLE POLICY		
	AMT	DUE IS ON SCHEDULE A (INVOICE)					
	PRO	PERTY REPORT		MORTGA	AGEES TITLE POLICY		
		DUE IS ON PROPERTY REPORT DICE)					
	MOR	TGAGE/FORECOSURE GUARANTY	<u>X</u>	DOCUM	ENTS		
	SUR'	VEY / ILC		OTHER /	INVOICE		

Delivery Cover NCT25504



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

ISSUED BY STEWART TITLE GUARANTY COMPANY

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, a Texas corporation (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.

Northern Colorado Title Services Co., Inc.

Linda L. Reding, Authorized Signatory

TEXAS TEXAS

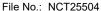
Frederick H. Eppinger President and CEO

> David Hisey Secretary

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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 State 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 remediation or 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;
 - f. Schedule B, Part II Exceptions; and
 - g. a countersignature 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.

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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 under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
- 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 closing, settlement, escrow, or any other purpose.

8. PRO-FORMA POLICY

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

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9. CLAIMS PROCEDURES

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 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 (INTENTIONALLY DELETED)

STEWART TITLE GUARANTY COMPANY

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, P.O. Box 2029, Mail Code: Policies 187, Houston, TX 77036.

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

ISSUED BY

STEWART TITLE GUARANTY COMPANY

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment

Condition 5.e.:

Issuing Agent: Northern Colorado Title Services Co., Inc. **Issuing Office:** 205 W. Kiowa Avenue, Fort Morgan, CO 80701

Issuing Office's ALTA® Registry ID: 0044474

Commitment No.: NCT25504 Issuing Office File No.: NCT25504

Property Address: 32295 HIGHWAY 34, Brush, CO 80723

1. Commitment Date: June 6, 2025 at 08:00 AM

2. Policy or Polices to be issued: AMOUNT: PREMIUM:

ALTA Owners Policy (07/01/21) **TBD** \$400.00

Proposed Insured: TO BE DETERMINED

Other Charges:

TOTAL DUE: \$400.00

NOTE: A Minimum Fee of \$115.00 will be charged if file is cancelled.

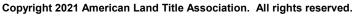
3. The estate or interest in the Land at the Commitment Date is:

Fee Simple

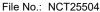
4. The Title is, at the Commitment Date, vested in:

T3 LAND & INVESTMENT LLC

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SCHEDULE A

(Continued)

5. The Land is described as follows:

The W1/2 of Section 33, Township 4 North, Range 55 West of the 6th P.M. AND a tract of land in the NW1/4 of Section 4, Township 3 North, Range 55 West of the 6th P.M., Morgan County, Colorado, described as follows: Beginning at a point 212 feet South of the NW corner of said Section 4; thence North along the West line of same Section, 212 feet to the same NW corner of Section 4: thence East along the North Section line of Section 4, 2670 feet to a point on the 1/2 Section line of Section 4; thence South 792 feet on said 1/2 Section line to a point on the North right of way line of Highway 34; thence NW along Highway right of way on a bearing N78°17'W 2774 feet, more or less, to the point of beginning. EXCEPT a tract or parcel of land in the NW1/4 of Section 4, Township 3 North, Range 55 West of the 6th P.M., Morgan County, Colorado, said tract or parcel being more particularly described as follows: Beginning at a point on the West line of Section 4, Township 3 North, Range 55 West, from which point the NW corner of said Section 4 bears N0°07'W a distance of 210.4 feet; thence along the West line of said Section 4, S0°07'E a distance of 127.7 feet; thence 50.0 feet Southerly of and parallel to the center line of the project, S78°17'E a distance of 2746.5 feet to a point on the North and South 1/4 line of said Section 4; thence along the North and South 1/4 line of said Section 4, N2°52'W a distance of 129.2 feet; thence 75 feet Northerly of and parallel to the center line of the project N78°17'W a distance of 2740.2 feet, more or less, to the point of beginning.

and commonly known as (for informational purposes only): 32295 HIGHWAY 34, BRUSH, CO 80723

Northern Colorado Title Services Co., Inc.

Linda L. Reding, Authorized Signatory

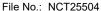
GUARA

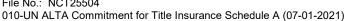
Frederick H. Eppinger **President and CEO**

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ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021) SCHEDULE B PART I

ISSUED BY STEWART TITLE GUARANTY COMPANY

Requirements

File No.: NCT25504

All of the following Requirements must be met:

- 1. 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.
- 2. Pay the agreed amount for the estate or interest to be insured.
- 3. Pay the premiums, fees, and charges for the Policy to the Company.
- 4. 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.
 - a. Proper Deed from T3 LAND & INVESTMENT LLC to TO BE DETERMINED, conveying the land described herein.
 - Partial Release of Deed of Trust from T3 LAND & INVESTMENT LLC to the Public Trustee of Morgan County for the use of FIRST NATIONAL BANK OF OMAHA to secure payment of \$9,639,000.00 recorded OCTOBER 4, 2019 at Reception No. 921109.
 NOTE: Assignment of Rents in connection with the above Deed of Trust recorded OCTOBER 4, 2019 at Reception No. 921110.
 - c. Dollar amount of Policy coverage must be provided to the Company.
 - d. The Company reserves the right to assert additional requirements or exceptions regarding the Grantee(s) when they are designated.

NOTE: Statement of Authority for T3 LAND & INVESTMENT LLC recorded October 13, 2022 at Reception No. 943203 discloses the following person(s) has the authority to execute documents affecting title on behalf of the entity:

MICHAEL L. TIMMERMAN, Member

Valid as a Commitment for an ALTA Policy only if attached to a countersigned Commitment for Title Insurance, a Schedule A, a Schedule B - Section II and a Schedule C (if applicable) with matching Commitment Numbers.

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ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021) SCHEDULE B PART II

ISSUED BY STEWART TITLE GUARANTY COMPANY

Exceptions

File No.: NCT25504

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. 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 on which all of the Schedule B, Part I Requirements are met.
- 2. Any facts, rights, interests or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- 3. Easements, or claims of easements, not shown by the Public Records.
- 4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
- 5. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown in the Public Records.
- 6. Taxes or special assessments which are a lien or due and payable; or which are not shown as existing liens by the public records; and any tax, special assessments, or charges or liens imposed for water or sewer service, or any other special taxing district, and any unredeemed tax sales.
- 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. Reservation as contained in United States Patent recorded MARCH 14, 1921 in Book 155 at Page 373; recorded JANUARY 13, 1916 in Book 107 at page 185 as follows: Right of way for ditches or canals constructed by the authority of the United States.

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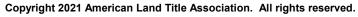


SCHEDULE B PART II

(Continued)

- 9. Easement and right of way for PUBLIC HIGHWAY purposes as granted by CHRIS H. HENSEN to COUNTY OF MORGAN, STATE OF COLORADO as contained in instrument recorded JULY 8, 1930 in Book 295 at Page 236, the location of said easement and right of way are more specifically defined in said document.
- 10. An undivided 1/2 interest in all oil, gas and other mineral rights, as reserved by HARVEY R. BOLINGER and HARRY BOLINGER, INC in the instrument to JACK BOXER and SON INC recorded DECEMBER 10, 1955 in Book 564 at Page 141, and any and all assignments thereof or interests therein.
- 11. An undivided 1/2 interest in all oil, gas and other mineral rights, as reserved by HARVEY R. BOLINGER and HARRY BOLINGER, INC in the instrument to JACK BOXER and SON INC recorded FEBRUARY 29, 1960 in Book 628 at Page 7, and any and all assignments thereof or interests therein.
- 12. An undivided 1/4 interest in all oil, gas and other mineral rights, as reserved by each, HARVEY R. BOLINGER and HARRY BOLINGER, INC in the instrument to JACK BOXER and SON INC recorded JANUARY 21, 1965 in Book 687 at Page 862, and any and all assignments thereof or interests therein.
- 13. An undivided 1/2 interest in all oil, gas and other mineral rights, as reserved by CHRIS H. HANSEN in the instrument to JACK BOXER and SON INC recorded DECEMBER 21, 1955 in Book 564 at Page 142, and any and all assignments thereof or interests therein.
- 14. All interest in oil, gas and other mineral rights as reserved by BOXER & SON FEED COMPANY in DEED to FARMERS STATE BANK OF BRUSH recorded MARCH 21, 1984 in Book 853 at Page 209. Re-recorded APRIL 24, 1984 in Book 854 at page 977, and any and all assignments thereof or interests therein.
- 15. All of our rights, title and interest in and to any oil, gas and other minerals as conveyed in BARGAIN AND SALE DEED Deed from FARMERS STATE BANK OF BRUSH to BOOTH LAND AND LIVESTOCK COMPANY, recorded DECEMBER 31, 1990 in Book 928 at Page 359, and any and all assignments thereof or interests therein.
- 16. Right of way and rights incidental thereto for County Roads 30 feet on either side of Section and Township lines as established by the Board of County Commissioners of Morgan County, Colorado, in instrument recorded May 6, 1907 in Book 62 at page 109.
- 17. Burdens, obligations, terms, conditions, stipulations and restrictions of any and all unrecorded LEASES AND TENANCIES.
- 18. Any claim that the title is subject to a trust or lien created under the Perishable Agricultural Commodities Act (7 U.S.C. 499a, et seq.) or the Packers and Stockyards Act (7 U.S.C. 181 et seq) or under similar state laws.
- 19. All interest in oil, gas and other mineral rights as reserved by PINNO FEED LOT, Ltd. Liability Company. AKA PINNO FEEDLOT, LLC in DEED to T3 LAND & INVESTMENT, LLC recorded October 3, 2019 at Reception No. 921079, and any and all assignments thereof or interests therein.

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 countersignature by the Company or its issuing agent that may be in electronic form.



AMERICAN LAND TITLE ASSOCIATION

SCHEDULE B PART II

(Continued)

- 20. Subject to exisiting fence lines, rights of way and overhead electric lines as shown on SPECIAL USE PERMIT (SUP) MAP in RESOLUTION 2023 BCC 14 amending a use for the purposes of expanding a livestock confinement facility, recorded MAY 2, 2023 at Reception No. 946066.
- 21. NOTE: 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) PUBLIC SERVICE COMPANY OF COLORADO RECORDED OCTOBER 2, 1981 IN <u>BOOK 821 AT PAGE 514</u>; AND
 - (C) MORGAN COUNTY RURAL ELECTRIC ASSOCIATION RECORDED JANUARY 22, 1982 IN <u>BOOK</u> 825 AT PAGE 656.

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 B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.



STEWART TITLE GUARANTY COMPANY PRIVACY NOTICE

This Stewart Title Guaranty Company Privacy Notice ("Notice") explains how Stewart Title Guaranty Company and its subsidiary title insurance companies (collectively, "Stewart") collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of your information. Pursuant to Title V of the Gramm-Leach Bliley Act ("GLBA") and other Federal and state laws and regulations applicable to financial institutions, consumers have the right to limit some, but not all sharing of their personal information. Please read this Notice carefully to understand how Stewart uses your personal information.

The types of personal information Stewart collects, and shares depends on the product or service you have requested.

Stewart may collect the following categories of personal and financial information from you throughout your transaction:

- 1. Identifiers: Real name, alias, online IP address if accessing company websites, email address, account name, unique online identifier, social security number, driver's license number, passport number, or other similar identifiers;
- 2. Demographic Information: Marital status, gender, date of birth.
- 3. Personal Information and Personal Financial Information: Name, signature, social security number, physical characteristics or description, address, telephone number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, credit reports, or any other information necessary to complete the transaction.

Stewart may collect personal information about you from:

- Publicly available information from government records.
- 2. Information we receive directly from you or your agent(s), such as your lender or real estate broker;
- 3. Information about your transactions with Stewart, our affiliates, or others; and
- Information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Stewart may use your personal information for the following purposes:

- 1. To provide products and services to you or in connection with a transaction.
- 2. To improve our products and services.
- 3. To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

Stewart may use or disclose the personal information we collect for one or more of the following purposes:

- a. To fulfill or meet the reason for which the information is provided.
- b. To provide, support, personalize, and develop our website, products, and services.
- c. To create, maintain, customize, and secure your account with Stewart.
- d. To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- e. To prevent and/or process claims.
- f. To assist third party vendors/service providers who complete transactions or perform services on Stewart's behalf pursuant to valid service provider agreements.
- g. As necessary or appropriate to protect the rights, property or safety of Stewart, our customers or others.
- h. To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- i. To help maintain the safety, security, and integrity of our website, products and services, databases and other technology-based assets, and business.
- i. To respond to law enforcement or regulator requests as required by applicable law, court order, or governmental regulations.
- k. Auditing for compliance with federal and state laws, rules and regulations.
- I. Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments.
- m. To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Stewart will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

<u>Disclosure of Personal Information to Affiliated Companies and Nonaffiliated Third Parties</u>

Stewart does not sell your personal information to nonaffiliated third parties. Stewart may share your information with those you have designated as your agent throughout the course of your transaction (for example, a realtor, broker, or a lender). Stewart may disclose your personal information to a non-affiliated third party for a business purpose. Typically, when we disclose personal information for a business purpose, we enter in a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We share your personal information with the following categories of third parties:

- Non-affiliated service providers and vendors we contract with to render specific services (For example, search companies, mobile notaries, and companies providing credit/debit card processing, billing, shipping, repair, customer service, auditing, marketing, etc.)
- b. To enable Stewart to prevent criminal activity, fraud, material misrepresentation, or nondisclosure.
- Stewart's affiliated and subsidiary companies.
- d. Non-affiliated third-party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you.
- e. Parties involved in litigation and attorneys, as required by law.
- f. Financial rating organizations, rating bureaus and trade associations.
- g. Federal and State Regulators, law enforcement and other government entities to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order.

The law does not require your prior authorization or consent and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with non-affiliated third parties, except as required or permitted by law.

Right to Limit Use of Your Personal Information

You have the right to opt-out of sharing of your personal information among our affiliates to directly market to you. To opt-out of sharing to our affiliates for direct marketing, you may send an "opt out" request to Privacyrequest@stewart.com, or contact us through other available methods provided under "Contact Information" in this Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

How Stewart Protects Your Personal Information

Stewart maintains physical, technical and administrative safeguards and policies to protect your personal information.

Contact Information

If you have questions or comments about this Notice, the ways in which Stewart collects and uses your information described herein, your choices and rights regarding such use, or wish to exercise your rights under law, please do not hesitate to contact us at:

Phone: Toll Free at 1-866-571-9270

Email: Privacyrequest@stewart.com

Postal Address: Stewart Information Services Corporation

Attn: Mary Thomas, Chief Compliance and Regulatory Officer

1360 Post Oak Blvd., Ste. 100, MC #14-1

Houston, TX 77056

Effective Date: <u>January 1, 2020</u> Updated: January 1, 2023

Privacy Notice at Collection for California Residents

Pursuant to the California Consumer Privacy Act of 2018 ("CCPA") and the California Privacy Rights Act of 2020, effective January 1, 2023 ("CPRA"), Stewart Information Services Corporation and its subsidiary companies (collectively, "Stewart") are providing this **Privacy Notice at Collection for California Residents** ("CCPA and CPRA Notice"). This CCPA and CPRA Notice supplements the information contained in Stewart's existing privacy notice and applies solely to all visitors, users, and consumers and others who reside in the State of California or are considered California Residents as defined in the CCPA and CPRA ("consumers" or "you"). All terms defined in the CCPA and CPRA have the same meaning when used in this Notice.

Personal and Sensitive Personal Information Stewart Collects

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Certain personal information protected by other sector-specific federal or California laws, including but not limited to the Fair Credit Reporting Act (FCRA), Gramm Leach Bliley Act (GLBA) and California Financial Information Privacy Act (FIPA).

Specifically, Stewart has collected the following categories of **personal and sensitive personal information** from consumers within the last twelve (12) months:

Category		Examples	Collected
A.	Identifiers	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES
B.	Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	YES
C.	Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	YES
D.	Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E.	Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	YES
F.	Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G.	Geolocation data.	Physical location or movements.	YES
Н.	Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	YES
I.	Professional or employment related information.	Current or past job history or performance evaluations.	YES
J.	Non-public education information (per the Family Educational Rights and Privacy Act(20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	YES
K.	Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	YES

Stewart obtains the categories of personal and sensitive information listed above from the following categories of sources:

- Directly and indirectly from customers, their designees, or their agents (For example, realtors, lenders, attorneys, brokers, etc.)
- Directly and indirectly from activity on Stewart's website or other applications.
- From third-parties that interact with Stewart in connection with the services we provide.

Use of Personal and Sensitive Personal Information

Stewart may use or disclose the personal or sensitive information we collect for one or more of the following purposes:

- a. To fulfill or meet the reason for which the information is provided.
- b. To provide, support, personalize, and develop our website, products, and services.
- c. To create, maintain, customize, and secure your account with Stewart.
- d. To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- e. To prevent and/or process claims.
- f. To assist third party vendors/service providers who complete transactions or perform services on Stewart's behalf pursuant to valid service provider agreements.
- g. As necessary or appropriate to protect the rights, property or safety of Stewart, our customers or others.
- h. To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To personalize your website experience and to deliver content and product and service offerings relevant to your interests, including targeted offers and ads through our website, third-party sites, and via email or text message (with your consent, where required by law).
- j. To help maintain the safety, security, and integrity of our website, products and services, databases and other technology-based assets, and business.
- k. To respond to law enforcement or regulator requests as required by applicable law, court order, or governmental regulations.
- I. Auditing for compliance with federal and state laws, rules and regulations.
- m. Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services or other similar services.
- n. To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Stewart will not collect additional categories of personal or sensitive information or use the personal or sensitive information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

Disclosure of Personal Information to Affiliated Companies and Nonaffiliated Third Parties

Stewart does not sell your personal information to nonaffiliated third parties. Stewart may share your information with those you have designated as your agent throughout the course of your transaction (for example, a realtor, broker, or a lender). Stewart may disclose your personal information to a third party for a business purpose. Typically, when we disclose personal information for a business purpose, we enter into a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We share your personal information with the following categories of third parties:

- a. Service providers and vendors we contract with to render specific services (For example, search companies, mobile notaries, and companies providing credit/debit card processing, billing, shipping, repair, customer service, auditing, marketing, etc.)
- b. Affiliated Companies.
- c. Parties involved in litigation and attorneys, as required by law.
- d. Financial rating organizations, rating bureaus and trade associations.
- e. Federal and State Regulators, law enforcement and other government entities

In the preceding twelve (12) months, Stewart has disclosed the following categories of personal information for a business purpose:

Category A: Identifiers

Category B: California Customer Records personal information categories

Category C: Protected classification characteristics under California or federal law

Category D: Commercial Information Category E: Biometric Information

Category F: Internet or other similar network activity

Category G: Geolocation data Category H: Sensory data

Category I: Professional or employment-related information

Category J: Non-public education information

Category K: Inferences

Your Consumer Rights and Choices Under CPPA and CPRA

Your Rights Under CCPA

The CCPA provides consumers (California residents as defined in the CCPA) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

Access to Specific Information and Data Portability Rights

You have the right to request that Stewart disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request, Stewart will disclose to you:

- The categories of personal information Stewart collected about you.
- The categories of sources for the personal information Stewart collected about you.
- Stewart's business or commercial purpose for collecting that personal information.
- The categories of third parties with whom Stewart shares that personal information.
- The specific pieces of personal information Stewart collected about you (also called a data portability request).
- If Stewart disclosed your personal data for a business purpose, a listing identifying the personal information categories that each category of recipient obtained.

Deletion Request Rights

You have the right to request that Stewart delete any of your personal information we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, Stewart will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

Stewart may deny your deletion request if retaining the information is necessary for us or our service providers to:

- Complete the transaction for which we collected the personal information, provide a good or service that you requested, take
 actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract
 with you.
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
- 3. Debug products to identify and repair errors that impair existing intended functionality.
- 4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
- Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 seq.).
- 6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
- 7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- 8. Comply with a legal obligation.
- 9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

Your Rights Under CPRA

CPRA expands upon your consumer rights and protections offered by the CCPA. This section describes your CPRA rights and explains how to exercise those rights.

Opt-Out of Information Sharing and Selling

Stewart does not share or sell information to third parties, as the terms are defined under the CCPA and CPRA. Stewart only shares your personal information as commercially necessary and in accordance with this CCPA and CPRA Notice.

Correction of Inaccurate Information

You have the right to request that Stewart correct any inaccurate information maintained about.

Limit the Use of Sensitive Personal Information

You have the right to limit how your sensitive personal information, as defined in the CCPA and CPRA is disclosed or shared with third parties.

Exercising Your Rights Under CCPA and CPRA

File No.: NCT25504 Revised 01-01-2023

To exercise the access, data portability, deletion, opt-out, correction, or limitation rights described above, please submit a verifiable consumer request to us by the available means provided below:

- Calling us Toll Free at 1-866-571-9270; or
- 2. Emailing us at Privacyrequest@stewart.com; or
- 3. Visiting http://stewart.com/ccpa.

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child, if applicable.

To designate an authorized agent, please contact Stewart through one of the methods mentioned above.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

Stewart cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

Making a verifiable consumer request does not require you to create an account with Stewart.

Response Timing and Format

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to an additional 45 days), we will inform you of the reason and extension period in writing.

A written response will be delivered by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

Stewart does not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Non-Discrimination

Stewart will not discriminate against you for exercising any of your CCPA and CPRA rights. Unless permitted by the CCPA or CPRA, we will not:

- Deny you goods or services.
- Charge you a different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Record Retention

Your personal information will not be kept for longer than is necessary for the business purpose for which it is collected and processed. We will retain your personal information and records based on established record retention policies pursuant to California law and in compliance with all federal and state retention obligations. Additionally, we will retain your personal information to comply with applicable laws, regulations, and legal processes (such as responding to subpoenas or court orders), and to respond to legal claims, resolve disputes, and comply with legal or regulatory recordkeeping requirements

Changes to This CCPRA and CPRA Notice

Stewart reserves the right to amend this CCPA and CPRA Notice at our discretion and at any time. When we make changes to this CCPA and CPRA Notice, we will post the updated Notice on Stewart's website and update the Notice's effective date.

Link to Privacy Notice

Stewarts Privacy Notice can be found on our website at https://www.stewart.com/en/privacy.html.

File No.: NCT25504 Revised 01-01-2023

Contact Information

If you have questions or comments about this notice, the ways in which Stewart collects and uses your information described herein, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: Toll Free at 1-866-571-9270

Website: http://stewart.com/ccpa

Email: Privacyrequest@stewart.com

Postal Address: Stewart Information Services Corporation

Attn: Mary Thomas, Chief Compliance and Regulatory Officer

1360 Post Oak Blvd., Ste. 100, MC #14-1

Houston, TX 77056

File No.: NCT25504 Revised 01-01-2023

ACCESS

CDOT Permit

COLORADO DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY ACCESS CODE NOTICE TO PROCEED

CDOT Permit No.

423026

State Highway/Mile Post/Side 034B / 176.69/Left

Local Jurisdiction

Permittee(s): T3 Land & Investments LLC PO Box 408

Brush, Colorado 80723

Applicant: AGPROfessionals 3050 67th Avenue Suite 200 Greeley, Colorado 80634

The permittee is hereby authorized to proceed with access construction within state highway right-of-way in accordance with the above referenced State Highway Access Permit and this Notice to Proceed.

This Notice to Proceed is valid only if the referenced Access Permit has not expired. Access Permits expire one year from date of issue if not under construction, or completed. Access Permits may be extended in accordance with Section 2.3(11)(d), of the Access Code.

Adequate advance warning is required at all times during access construction, in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways.

All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation. The permittee or applicant shall notify the Department prior to commencing construction as indicated on the Access Permit.

Both the Access Permit and this Notice To Proceed shall be available for review at the construction site.

This Notice to Proceed is conditional. The following items shall be addressed prior to or during construction as appropriate.

Municipality or County Approval (When the appropriate local authority retains issuing authority)						
Ву		Title	Date			
(X)						
This Notice is not valid until signed by a duly authorized representative of the Department						
Colorado Department of Transportation						
Ву	DocuSigned by:	Title	Date			
(X)	allyson young	Access Manager	4/7/2023 2:18 PM MDT			

Copy distribution:

Required:
Region (original)
Applicant
Staff Access Section

Make copies as necessary for: Local Authority Insp MTCE Patrol Traf

for: Inspector Traffic Engineer Form 1265 8/98, 6/99

STATE HIGHWAY	423026 State Highway No / Mp / Side 034B / 176.690 / Left						
B 25	Data of Tanana Wal	Degion / Costion / Betral / I	Nama	Local Jurisdiction			
Permit Fee \$100.00	Date of Transmittal 03/06/2023	Region / Section / Patrol / I 4 / 01 / 27	varile	Morgan County			
The Permittee(s):		The Applicant(s):					
T3 Land & Investments LLC PO Box 408 Brush, Colorado 80723	J	AGPROfessionals 3050 67th Avenue Suite 2 Greeley, Colorado 80634	00				
is hereby granted permission to have a accordance with this permit, including by the Issuing Authority if at any time t appointed agents and employees shal the permit.	the State Highway Access Code and he permitted access and its use violat	any attachments, terms, cond te any parts of this permit. The	itions and ext issuing auth	nibits. This permit may be revoked ority, the Department and their duly			
Location: Highway 34 at MM 170	3.69 on the Left (North) side						
Access to Provide Service to:	(Land Use Code)	(Size)	(Units)				
1087 - Feed Lot		82	ADT				
Additional Information: This is a change of use permit only no improvements or construction to existing access.							
MUNICIPALITY OR COUNTY Required only when the appro		suing authority.					
Signature	Print Name	Date		Title			
Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.							
The permittee shall notify Bruce Barnett with the Colorado Department of Transportation, at (970) 350-2147 at least 48 hours prior to commencing construction within the State Highway right-of-way.							
The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.							
Permittee Signature: Date 3 - 24 - 23 Co-Permittee Signature: (if applicable) Print Name Date							
This permit is not valid until signed by a duly authorized representative of the Department. COLORADO DEPARTMENT OF TRANSPORTATION							
Signature—DocuSigned by: Allyson Young	Print Name Allyson Young	Title Access Manager		Date (of issue) 4/7/2023 2:18 PM MDT			
Copy Distribut0507BE1A2E8E@equired	Make copies	as necessary for:	Previous editio	ons are obsolete and may not be used			

F##equired: 1.Region 2.Applicant

3.Staff Access Section 4.Central Files

Local Authority MTCE Patrol

Inspector Traffic Engineer

Page 1 of 3 CDOT Form #101 5/07

State Highway Access Permit Form 101, Page 2

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

APPEALS

- 1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.
- 2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.
- 3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.
- 4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

CONSTRUCTION

- 1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4]
- 2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.
- 3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.
- 4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

- Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.
- 6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.
- 7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.
- 8. In the event it becomes necessary to remove any rightof-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.
- 9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.
- 10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

- 1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.
- 2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

Form 101, Page 3

COLORADO DEPARTMENT OF TRANSPORTATION Environmental Clearances Information Summary

PURPOSE - This summary is intended to inform entities external to CDOT that may be entering the state highway right-of-way to perform work related to their own facilities (such as Utility, Special Use or Access Permittees), about some of the more commonly encountered environmental permits/clearances that may apply to their activities. This listing is not all-inclusive—additional environmental or cultural resource permits/clearances may be required in certain instances. Appropriate local, state and federal agencies should be contacted for additional information if there is any uncertainty about what permits/clearances are required for a specific activity. IMPORTANT: Please Review The Following Information Carefully – Failure to Comply With Regulatory Requirements May Result In Suspension or Revocation of Your CDOT Permit, Or Enforcement Actions By Other Agencies.

CLEARANCE CONTACTS - As indicated in the permit/clearance descriptions listed below, the following agencies may be contacted for additional information:

- Colorado Department of Public Health and Environment (CDPHE): General Information (303) 692-2000 Water
 Quality Control Division (WQCD): (303) 692-3500
 Environmental Permitting Website https://www.colorado.gov/pacific/cdphe/all-permits
 - CDOT Water Quality Program Manager: (303) 512-4053 https://www.codot.gov/programs/environmental/water-quality
- CDOT Asbestos Project Manager: (303) 512-5519
- Colorado Office of Archaeology and Historic Preservation: (303) 866-5216
- U.S. Army Corps of Engineers, District Regulatory Offices:

Omaha District (Northeastern CO), Denver Office (303) 979-4120

http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado.aspx

Sacramento District (Western CO), Grand Junction Office (970) 243-1199

http://www.spk.usace.army.mil/Missions/Regulatory.aspx

Albuquerque District (Southeastern CO), Pueblo Office (719) 543-9459

http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx

• CDOT Utilities, Special Use and Access Permitting: (303) 757-9654 https://www.codot.gov/business/permits

Wildlife Resources - Disturbance of wildlife shall be avoided to the maximum extent practicable. Entry into areas of known or suspected threatened or endangered species habitat requires special authorization from the CDOT permitting office. If any threatened or endangered species are encountered during the progress of the permitted work, work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Information about threatened or endangered species may be obtained from the CDOT website, http://www.codot.gov/programs/environmental/wildlife/guidelines, or the Colorado Parks and Wildlife (CPW) website, http://www.cpw.state.co.us/learn/Pages/SOC-ThreatenedEndangeredList.aspx.

Additional guidance may be provided by the appropriate Region Planning and Environmental Manager (RPEM).

Cultural Resources - The applicant must request a file search of the permit area through the Colorado Office of Archaeology and Historic Preservation (OAHP), Denver, to ascertain if historic or archaeological resources have previously been identified (https://www.historycolorado.org/file-access; 303-866-5216). Inventory of the permit area by a qualified cultural resources specialist may be necessary, per the recommendation of CDOT. If archaeological sites/artifacts or historic resources are encountered as the project progresses, all work in the subject area shall be halted and the CDOT Regional Permitting Office and Region Planning and Environmental Manager shall be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office and RPEM.

<u>Paleontological Resources</u> - The level of effort required for paleontological resources is dependent on the amount of ground disturbance, including rock scaling, digging, trenching, boring, ground leveling, and similar activities.

- If the permit will involve extensive ground disturbance (generally involving more than one mile of CDOT ROW), a full review will be required by a qualified paleontologist, including map, file, and locality searches, with final recommendations provided by the CDOT paleontologist upon receipt of the report. Based on results of the review, a survey or inventory of the permit area may be necessary.
- If the permit will involve a small amount of ground disturbance (less than one mile of ROW), the applicant must request a fossil locality search through the University of Colorado Museum of Natural History (https://www.colorado.edu/cumuseum/research-collections/paleontology/policies-procedure) and the Denver Museum of Nature and Science (https://www.dmns.org/science/earth-sciences/collections/). The museum collections manager will provide information about localities in the project area. If there are no known localities, the permit requirement for paleontology is complete upon submitting that information to CDOT. If there are known localities, the CDOT paleontologist will be contacted by the museum with details, and additional recommendations will be made if necessary. Note that museum staff are not required to disclose the details of fossil localities to the permit applicant, nor is detailed locality information required for the permit application to proceed.
- If the permit involve no ground disturbance, no action is required for paleontological resources. If fossils are encountered during the permitted action, all work in the immediate area of the find should stop and the CDOT Staff Paleontologist and the Region Environmental Manager should be contacted immediately. Authorization must be provided by CDOT prior to the continuation of work. Additional guidance may be provided by the Regional Permitting Office in the Permit Special Provisions. Contact Information: See the museum websites listed above. The CDOT Paleontologist is not able to conduct locality searches independently. For further information contact CDOT Paleontologist Nicole Peavey at nicole.peavey@state.co.us or (303)757-9632.

CDOT UTILITY/RELOCATION/SPECIAL USE PERMIT STANDARD PROVISIONS

Hazardous Materials, Solid Waste - The Solid Wastes Disposal Sites and Facilities Act C.R.S. 30-20-100, et al, and Regulations Pertaining to Solid Waste Disposal Sites and Facilities (6 CCR 1007-2), prohibit solid waste disposal without an approved Certificate of Designation (a landfill permit). The Colorado Hazardous Waste Act C.R.S. 25-15-301 et al, and the Colorado Hazardous Waste Regulations (6 CCR 1007-3) prohibit the transfer, storage or disposal (TSD) of hazardous waste except at permitted TSD sites. There are no permitted landfills or TSD sites within the State Highway Right of Way. Therefore, all solid or hazardous wastes that might be generated by the activities of entities entering the State Highway Right of Way must be removed from the ROW and disposed of at a permitted facility or designated collection point (e.g., for solid waste, a utility or construction company's own dumpster). If pre-existing solid waste or hazardous materials contamination (including oil or petroleum contaminated soil, asbestos, chemicals, mine tailings, etc.) is encountered during the performance of work, the permittee shall halt work in the affected area and immediately contact the CDOT Regional Permitting Office for direction as to how to proceed.

Contact Information: Theresa Santangelo-Dreiling, CDOT Hazardous Materials Management Supervisor: (303) 512-5524.

Asbestos Containing Materials, Asbestos Contaminated Soil - All work on asbestos containing materials (ACM) must comply with the applicable requirements of the CDPHE Air Pollution Control Division's (APCD) Regulation 8. Disposal of ACM, and work done in asbestos-contaminated soil, must comply with the CDPHE Hazardous Materials and Waste Management Division's (HMWMD) Solid Waste Regulations. The application for any CDOT permit must specifically identify any ACM involved in the work for which authorization is being requested. Additional guidance or requirements may be specified in the permit special provisions. Contact Info: CDPHE APCD and HMWMD Regulations can be accessed via the CDPHE Environmental Permitting Website listed above. Additional information concerning clearance on CDOT projects is available from the CDOT Asbestos Project Manager

(303) 512-5519, or Theresa Santangelo-Dreiling, Hazardous Materials Management Supervisor: (303) 512-5524.

Transportation of Hazardous Materials - No person may offer or accept a hazardous material for transportation in commerce unless that person is registered in conformance with the United States Department of Transportation regulations at 49 CFR, Part 171. The hazardous material must be properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements, or an exemption, approval or registration has been issued. Vehicles requiring a placard, must obtain authorization and a State HAZMAT Permit from the Colorado Public Utilities Commission. Contact Information: For authorization and more info call the Federal Motor Safety Carrier Administration, US DOT for inter- and intra- state HAZMAT Registration (303) 969-6748. Colorado Public Utilities Commission: (303) 894-2868.

Discharge of Dredged or Fill Material – 404 Permits Administered By the U.S. Army Corps of Engineers, and Section 401 Water Quality Certifications Issued by the CDPHE WQCD - Clean Water Act section 404 permits are often required for the discharge of dredged or fill material into waters of the U.S., including wetlands. Several types of section 404 permits exist, including nationwide, regional general, and individual permits. Nationwide permits are the most commonly authorized type for activities with relatively minor impacts. If an individual 404 permit is required, section 401 water quality certification from the CDPHE WQCD is also required. Contact the appropriate Corps District Regulatory Office for information about what type of 404 permit may be required (contact information above). Contact the CDPHE Water Quality Control Division at (303) 692-3500.

Working on or in any stream or its bank - In order to protect and preserve the state's fish and wildlife resources from actions that may obstruct, diminish, destroy, change, modify, or vary a natural existing stream or its banks or tributaries, it may be necessary to obtain a Senate Bill 40 certification from the Colorado Department of Natural Resources. A stream is defined as 1) represented by a solid blue line on USGS 7.5' quadrangle maps; and/or 2) intermittent streams providing live water beneficial to fish and wildlife; and/or 3) segments of streams supporting 25% or more cover within 100 yards upstream or downstream of the project; and/or 4) segments of streams having wetlands present within 200 yards upstream or downstream of the project measured by valley length. The CPW application, as per guidelines agreed upon by CDOT and CPW, can be accessed at https://www.codot.gov/programs/environmental/wildlife/guidelines.

Erosion and Sediment Control Practices - Any activities that disturb one or more acres of land require a Stormwater Construction Permit (SCP) from the CDPHE-WQCD. Erosion & sediment control requirements will be specified in that permit. In situations where a stormwater permit is not required, all reasonable erosion and sediment control measures should be taken to minimize erosion and sedimentation. Control practices should be in accordance with CDOT Standard Specifications 107.25, 208, 213 and 216 (https://www.codot.gov/business/designsupport/cdot-construction-specifications). The CDOT Erosion Control and Stormwater Quality Guide (website:

https://www.codot.gov/programs/environmental/landscape-architecture/erosion-storm-quality) can also be used to design erosion/sediment controls. *Contact Information:* Contact the CDPHE-WQCD at (303) 692-3500.

Website: https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits

Site Stabilization - All disturbances require a stabilization plan, native seeding or landscape design plan according to applicable CDOT Standard Specifications 212-217 and 623. The CDOT Erosion Control and Stormwater Quality Guide should also be used to plan restoration of disturbed vegetation. Website: https://www.codot.gov/programs/environmental/landscape-architecture/erosion-storm-quality

Stormwater Discharge From Industrial Facilities - Discharges of stormwater runoff from certain types of industrial facilities, such as concrete batch plants - require a CDPS Stormwater Permit. Contact Information: Contact the CDPHE-WQCD at (303) 692-3500. Website: https://colorado.gov/pacific/cdphe/wq-commerce-and-industry-permits

Concrete Washout - Waste generated from concrete activities shall NOT be allowed to flow into the drainage ways, inlets, receiving waters, or in the CDOT ROW. Concrete waste shall be placed in a temporary concrete washout facility and must be located a minimum of 50 feet from state waters, drainageways, and inlets. Concrete washout shall be in accordance to CDOT specifications and guidelines at https://www.codot.gov/business/designsupport/cdot-construction-specifications and refer to the specifications and their revisions for sections 101, 107 and 208.

Construction Dewatering (Discharge or Infiltration) and Remediation Activities - Discharges of water encountered during excavation or work in wet areas may require a Construction Dewatering or Remediation Activities Discharge Permit. Contact

Information: Contact the CDPHE-WQCD at (303) 692-3500. For Applications and Instructions: https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits.

Municipal Separate Storm Sewer System (MS4) Requirements - When working in a MS4 area, discharges to the storm sewer system are subject to CDOT's or other municipalities' MS4 Permit. For activities within the boundaries of a municipality that has a MS4 permit, the owner of such activity should contact the municipality regarding stormwater related requirements. All discharges to the CDOT highway drainage system or within the Right of Way (ROW) must comply with the applicable provisions of the Colorado Water Quality Control Act, the Water Quality Control Commission (WQCC) Regulations (https://www.colorado.gov/pacific/cdphe/wqcc-regulations-and-policies-and-water-quality-statutes) and the CDOT MS4 Permit #COS-000005 (https://www.codot.gov/programs/environmental/water-quality/stormwater-programs. Discharges are subject to inspection by CDOT and CDPHE. For CDOT-related MS4 programs and requirements, go to:

https://www.codot.gov/programs/environmental/water-quality/stormwater-programs.

Discharges to Storm Sewer Systems

<u>Prohibited Discharges</u> - All discharges are subject to the provisions of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations. Prohibited discharges include, but are not limited to, substances such as wash water, paint, automotive fluids, solvents, oils or soaps and sediment.

Allowable Discharges - The following discharges to stormwater systems are allowed without a permit from the CDPHE-WQCD: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, uncontaminated springs, footing drains, water line flushing, flows from riparian habitats and wetlands, and flow from firefighting activities. *Contact Information*: Contact the CDPHE-WQCD at (303) 692-3500. Information can also be found in the CDOT Illicit Discharge MS4 Program PDD at: https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/idde.html.

Spill Reporting - Spills shall be contained and cleaned up as soon as possible. Spills shall NOT be washed down into the storm drain or buried. All spills shall be reported to the CDOT Illicit Discharge Hotline at (303) 512-4426 (4H20), as well as the Regional Permitting Office and Regional Maintenance Supervisor. Spills on highways, into waterways, any spill in the highway right-of-way exceeding 25 gallons, or that may otherwise present an immediate danger to the public shall be reported by calling 911, and shall also be reported to the CDPHE at 1-877-518-5608. More information can be found at https://www.colorado.gov/pacific/cdphe/emergency-reporting-line.

Disposal of Drilling Fluids - Drilling fluids used in operations such as Horizontal Directional Drilling may be classified as "discharges" or "solid wastes," and in general, should be pumped or vacuumed from the construction area, removed from the State Highway Right of Way, and disposed of at permitted facilities that specifically accept such wastes. Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is prohibited by Water Quality Control and/or Solid Waste regulations. Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being separated from fluids or after infiltration of the water, provided: 1) the drilling fluid consists of only water and bentonite clay, or, if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; 2) the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area,

3) the solids are covered and the area restored as required by CDOT permit requirements (Utility, Special Use, or Access Permits, etc.). *Contact Information:* Contact CDPHE (telephone #'s listed above).

Noxious Weeds and Invasive Species Management Plan - Noxious Weeds and Invasive Species guidance can be found by contacting the Colorado Department of Agriculture (https://www.colorado.gov/pacific/agconservation/noxiousweeds) and the Colorado Division of Parks and Wildlife (https://cpw.state.co.us/aboutus/Pages/RS-NoxiousWeeds.aspx). In either case, management plans involving the control of noxious weeds associated with the permitted activity and cleaning of equipment will be required.





What is stormwater runoff?

Stormwater runoff occurs when precipitation from rain or snowmelt flows over the ground. Impervious surfaces like roads and sidewalks prevent stormwater from naturally soaking into the ground

Why is stormwater runoff a problem?

Stormwater can pick up debris, chemicals, dirt and other pollutants and flow into CDOT's storm drain system or directly into a stream, river, lake, wetland or reservoir. Anything that enters CDOT's storm drain system is discharged untreated into the waterways we use for fishing, swimming, and providing drinking water.



Dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemical waste, biological nutrient, biological material, radioactive material, heat, pH, wrecked or discarded equipment, **rock**, **sand**, any industrial, municipal, or agricultural waste.

Tips for Reporting an Illicit Discharge

Call the illicit discharge hotline at **(303) 512-4426** From a safe distance try to estimate the amount of the discharge.

Identify characteristics of the discharge (color, odor, algae, etc.).

Obtain information on the vehicle dumping the waste (if applicable).

Do not approach!
Call *CSP for illicit dumping.
If possible, take a photo, record a license plate.

REMEMBER:

Never get too close to the illicit discharge, it may be dangerous!!!

For more information on CDOT Utility Permits:

https://www.codot.gov/business/permits/utilitiesspecialuse

For more information on CDOT Access Permits:

https://www.codot.gov/business/permits/access permits

For more information on CDOT Water Quality Program:

Water Quality Program Manager 4201 E. Arkansas Ave. Shumate Building Denver, Colorado 80222 303-757-9343

Water Quality Program Industrial Facilities Program

CDOT has a Municipal Separate Storm Sewer System permit, otherwise known as (MS4) from the Colorado Department of Public Health and Environment. The permit states that only stormwater can be discharged from CDOT's storm drain system



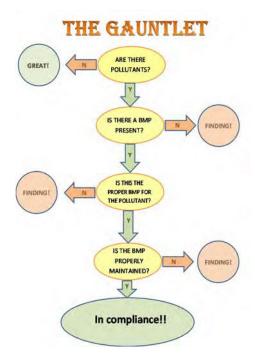
As part of the permit, CDOT has several different programs to prevent pollutants from entering into the storm drain system:

- Construction Site Program
- New Development Redevelopment Program
- Illicit Discharge Program
- Industrial Facilities Program
- Public Education and Outreach Program
- Pollution Prevention and Good Housekeeping Program
- Wet Weather Monitoring Program



Control Measures for Industrial Facilities

Industrial facilities can use control measures (CM) otherwise known as Best Management Practices (BMP) during the construction of a facility and when operating the facility. Control measures are schedules of activities, maintenance procedures, and other management practices to prevent and reduce pollution entering into CDOT's storm drain system. Control Measures also include treatment, operating procedures, and practices to control site run off which can include structural and non-structural controls.



CDOT defines a utility, or utility facility as any privately, publicly, or cooperatively owned line, facility, or system producing, transmitting or distributing the following:

- ✓ Communications
- ✓ Cable television
- ✓ Power
- ✓ Electricity
- ✓ Light
- ✓ Heat Gas
- ✓ Oil
- ✓ Crude Products
- ✓ Water
- ✓ Stream
- ✓ Waste
- ✓ Stormwater not connected with highway drainage
- ✓ Similar Commodity





Industrial Facilities Program Elements:

- Educate and outreach to owners or operators that have potential to contribute substantial pollutant to water.
- 2. Report and include information on discharge and water quality concerns. Provide written notification within 15 days of discovery to CDPHE.
- Submit an annual report to CDPHE containing the number of informational brochures distributed; name and title of each individual trained.

Education

There are instances when a utility company or other entity doing work in the state highway right-of-way will require some type of environmental permit or clearance for that work. CDOT has put together an Environmental Clearances Information Summary for those applying for a CDOT Utility and Special Use Permit or Access Permit to obtain all required clearances. This fact sheet is given to each permittee and is available at:

http://www.coloradodot.info/programs/ environmental/resources/quidancestandards/Environmental%20Clearances% 20Info%20Summary.pdf



- 1. If there are any questions regarding this permit, please contact Allyson Young at (970) 350-2148.
- 2. The Permittee or the contractor shall notify Bruce Barnett at (970) 350-2147 at least two working days prior to beginning any access improvements or construction of any kind within the State Highway right-of-way. Failure to comply with this requirement may result in revocation of this permit.
- The Permittee shall request final inspection by Bruce Barnett at (970) 350-2147 within 10 days
 following the completion of access construction, and prior to authorized use. The Permittee or
 their representative shall be present.
- 4. A fully executed complete copy of this permit must be on the job site with the contractor at all times during construction. Failure to comply with this or any other construction requirement may result in the immediate suspension of work by order of the Department inspector or the issuing authority.
- 5. The Permittee shall refer to all additional standard requirements included with this permit and any enclosed additional terms, conditions, exhibits, and noted attachments.
- 6. All communications related to the deliberative process are considered to be part of the permit.
- 7. Incorporated as part of this permit are the following:

Application for Access Permit (CDOT Form No. 137) Permit (CDOT Form No. 101) and its attachments

Exhibits:

"A" – Access Plan

"B" - Vicinity Map

"C" -- Seeding

- 8. This permit is issued in accordance with the State Highway Access Code (2 CCR 601-1), and is based upon the information submitted by the Permittee. This permit is only for the use and purpose stated in the Application and Permit. Any changes in traffic volumes or type, drainage, or other operation aspects may render this permit void, requiring a new permit to be applied for based upon the existing and anticipated future conditions.
- 9. All work is to conform to the plans referenced by this permit on file with the Department or as modified by this permit. (If discrepancies arise, this permit shall take precedence over the plans.) The Department plan review is only for the general conformance with the Department's design and code requirements. The Department is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and any other elements which shall be confirmed and correlated at the work site. The Department, through the approval of this document, assumes no responsibility for the completeness and/or accuracy of the plans.

- 10. The Permittee is responsible for obtaining any necessary additional federal, state, and/or city/county permits or clearances required for construction of the access. Approval of this access permit does not constitute verification of this action by the Permittee.
- 11. The Permittee is responsible for the resolution of any unforeseen circumstances.
- 12. The State requires a Certificate of Insurance prior to commencing any work on the State Highway right-of-way. Policies shall name the State of Colorado as additional insured party. All vendors, contractors, and utility companies shall procure, at their own expense, and maintain for the duration of the work period, the following minimum insurance coverages:
 - A. Standard workman's compensation and employer's liability, including occupational disease, covering all employees engaged in performance of the work at the site, in the amount required by State Statutes.
 - B. Comprehensive general liability in the amount of \$600,000 combined single limit bodily injury and property damage, each occurrence and \$2,000,000 annual aggregate.
 - C. Automobile liability in the amount of \$1,000,000 combined single limit bodily injury and property damage, for each accident.

Certificates of insurance showing compliance with these provisions shall be attached to and made a part of this permit and be available on the site during construction.

- 13. All costs associated with the installation of this access are the responsibility of the Permittee. This includes design, construction, signing and striping, utility relocation, testing of materials, and inspections. In the event a signal is warranted in the future, CDOT will not participate in any fashion with that signal installation, including financially.
- 14. The Department will not participate in any costs related to the design and installation of a traffic signal, should one be warranted or approved at this access location or any other serving this development.
- 15. The development of this property shall not negatively impact adjacent nearby properties.

 Correction of the problem and cost resulting from damages shall be borne by the Permittee.
- 16. It is the responsibility of the Permittee to determine which environmental clearances and/or regulations apply to the project, and to obtain any clearances that are required directly for the appropriate agency prior to commencing work. Please refer to or request a copy of the "CDOT Environmental Clearance Information Summary" (ECIS) for details. The ECIS may be obtained from the CDOT Permitting Offices or may be accessed via the CDOT Planning/Construction-Environmental Guidance webpage at http://www.dot.state.co.us/environmental/Forms/asp. FAILURE TO COMPLY WITH REGULATORY REQUIREMENTS MAY RESULT IN THE SUSPENSION OR REVOCATION OF YOUR CDOT PERMIT, OR ENFORCEMENT ACTIONS BY OTHER AGENCIES.

ALL discharges are subject to the provisions of the Colorado Water Quality Act and the Colorado Discharge Permit Regulations. Prohibited discharges include substances such as: wash water, paint, automotive fluids, solvents, oils or soaps.

Unless otherwise identified by CDOT or the Colorado Department of Public Health and Environmental (CDPHE) Water Quality Control Division (WQCD) as significant sources of pollutants to the waters of the State, the following discharges to storm water systems are allowed without a Colorado Discharge Permit System Permit: landscape irrigation, diverted stream flows, uncontaminated ground water infiltration to separate storm sewers, discharges from potable water sources, foundation drains, air condition condensation, irrigation water, springs, footing drains, waterline flushing, flows from riparian habitats and wetlands, and flow from fire-fighting activities.

ANY OTHER DISCHARGES, including storm water discharges from industrial facility or construction sites, may require Colorado Discharge Permit System permits from CDPHE before work begins. For additional information and forms, go to the CHPHE website at: http://cdphe.state.co.us/wq/PermitsUnit/wqu.

- 17. Should any excavation encounter plant or animal fossils, the remains of historic or prehistoric structures, artifacts, (pottery, stone tools, arrowheads, etc.), the work shall be stopped and the Permittee shall notify the Department inspector.
- 18. Survey markers or monuments must be preserved in their original positions. Notify the Department at (970) 350-2173 immediately upon damage to or discovery of such markers or monuments at the work site. Any survey markers or monuments disturbed during the permitted work shall be repaired and/or replaced immediately at the expense of the Permittee.
- 19. Landscaping and site construction shall not obstruct sight distance at any State Highway access point. Landscaping within the State Highway right-of-way requires the Permittee to obtain a CDOT Landscaping Permit from the Traffic/Access Section. The access permit does not authorize that activity. Irrigation of features within the right-of-way may require the Permittee to install a subsurface drain in accordance with CDOT Standard M-605-1 or other approved system. The Permittee shall contact Allyson Young at the Greeley Traffic Office, (970) 350-2148 to obtain the Landscaping Permit.
- 20. This permit is subject to revocation due to: 1) Noncompliance with the provisions of this permit;
 2) Abandonment; 3) Supersedure by new permit covering the same installation; or 4) Conflict with necessary planned highway construction and/or improvements. The permittee shall promptly terminate occupancy upon notice of cancellation of the permit from the Department, unless a new permit is applied for and granted.
- 21. The Department inspector may suspend work due to: 1) Noncompliance with the provisions of this permit; 2) Adverse weather or traffic conditions; 3) Concurrent highway construction or maintenance in conflict with permit work; 4) Any condition deemed unsafe for workers or the general public. The work may be resumed upon notice from the Department Inspector.

- 22. If necessary, minor changes, corrections, and/or additions to this permit may be ordered by the Department inspector, other Department representative or local authority to meet unanticipated site conditions. Changes may not be in violation of the State Highway Access Code. All major changes to the plan must be approved in writing by the Department prior to commencement of any work on or within the State Highway right-of-way.
- 23. Reconstruction and improvements to the access may be required when the Permittee has failed to meet the required design and/or material specifications. If any construction element fails within two years due to improper construction or material specifications, the Permittee is responsible for all such repairs.
- 24. The Department retains the right to perform any necessary maintenance work in this area.
- 25. Routine, periodic maintenance and emergency repairs may be performed within the State Highway right-of-way, under general terms and conditions of the permit. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, will require written authorization from the Department. The Department shall be given proper advance notice whenever maintenance work will affect the movement or safety of traffic on the State Highway. In an emergency, the Department Region Office and the State Patrol shall immediately be notified of possible hazards.
- 26. Access construction methods and materials shall conform to the Colorado Department of Transportation Standard Specifications for Road and Bridge Construction (current edition).
- 27. All materials, equipment, installation, construction, and design, including the auxiliary lane(s) and intersection improvement(s) within the State Highway shall be in accordance with the following Department standard references as applicable.
 - A. State Highway Access Code, 2 CCR601-1
 - B. Roadway Design Manual
 - C. Materials Manual
 - D. Construction Manual
 - E. Standard Specifications for Road and Bridge Construction, latest edition
 - F. Standard Plans (M&S Standards)
 - G. Manual on Uniform Traffic Control Devices (M.U.T.C.D.) for Streets and Highways and the Colorado Supplement thereto
 - H. A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials (AASHTO), latest edition
 - I. AASHTO Roadside Design Guide
 - J. Institute of Transportation Engineer's Trip Generation Manual, 6th Edition

Some of the reference materials listed above (A through E) may be purchased from:

Colorado Department of Transportation Bid Plans Room 4201 East Arkansas Avenue Denver, CO 80222-3400 (303) 757-9313

The State Highway Access Code may be purchased from:

The Public Records Corporation 1666 Lafayette Street PO Box 18186 Denver, CO 80218 (303) 832-8262

The website address is: www.cdot.gov

28. All workers within the State Highway right-of-way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations – including, but not limited to, the applicable sections of 29 CFR Part 1910 – Occupational Safety and Health Standards and 29 CRF Part 1926 – Safety and Health Regulations for Construction.

At a minimum, all workers in the State Highway right-of-way, except when in their vehicles, shall wear the following personal protective equipment:

- Head protection that complies with the ANSI Z89.1-1997 standard;
- At all construction sites or whenever there is danger of injury to feet, protective footwear that complies with the ANSI Z41-1999 standard will be worn
- High visibility apparel as specified in the Traffic Control provision of this permit (at such a minimum ANSI/ISEA 107-1999, Class 2).

Where any of the above referenced ANSI standards have been revised, the most recent version of the standard shall apply.

- 29. No work will be allowed at night, or on Saturdays, Sundays, and legal holidays without prior authorization from the Department. The Department may also restrict work within the State Highway right-of-way during adverse weather conditions.
- 30. No construction vehicles shall be parked, or construction materials/equipment stored, on the State Highway right-of-way overnight.
- 31. Backing maneuvers within and into the State Highway right-of-way are strictly prohibited. All vehicles shall enter and exit the highway right-of-way in forward movement. Backing into the right-of-way shall be considered a violation of the terms and conditions of the access permit and may result in revocation of the permit by the Department and/or the issuing authority.

- 32. Traffic detours or lane closures will not be allowed, unless pre-approved by the Department.
- 33. Two-way traffic shall be maintained throughout the work area at all times unless specific written authorization is obtained from the Department.
- 34. Construction traffic control devices, when not in use, shall be removed or turned away from traffic. Devices must be stored outside of the roadway clear zone per the latest AASHTO guidelines.
- 35. Cattle guards are not permitted in State Highway right-of-way.
- 36. Any fencing modifications should follow the included Standard M-607-1 sheets 1 through 3. Permittee will be required to obtain a highway right-of-way fence agreement for a special fence if the Permittee desires to remove the existing standard highway fencing in this area.
 - When it is necessary to remove any highway right-of-way fence, the posts on either side of the access entrance shall be securely braced with approved end posts and in conformance with the Department's M-607-1 standard, before the fence is cut to prevent slacking of the remaining fence. All posts and wire removed shall be returned to the Department.
- 37. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within State Highway right-of-way.
- 38. All required access improvements shall be installed prior to the herein authorized use of this access. Failure to do so will result in the appropriate legal action from the Department, up to Permit Revocation.
- 39. The access shall be maintained as per Exhibit "A".
- 40. The access shall be constructed perpendicular to the travel lanes of the State Highway for a minimum distance of 40 feet, and shall slope down and away from the adjacent pavement edge at a rate of 2% grade for a minimum of 20 feet.
- 41. The permittee is required to sweep CDOT right of way and remove material from CDOT right of way.

State Highway Access Permit Attachment to Permit No. 423026 - Additional Terms and Conditions

- 42. No paved surface shall be cut unless specified in this permit. Asphalt removal shall be saw cut to assure a straight edge for patching. Full panel concrete replacement is required for any concrete work.
- 43. The new State Highway pavement shall slope on the same plane as the present pavement surface.
- 44. If frost, water, or moisture is present in the subgrade, no surfacing materials shall be placed until all frost, water, or moisture is gone or removed.
- 45. The access shall be maintained in such a manner that will not cause water to enter onto the roadway, and will not interfere with the existing drainage system within the State Highway right-of-way. Drainage to the State Highway right-of-way shall not exceed historical rate of flow.
- 46. All existing drainage structures shall be extended, modified, or upgraded as necessary, to accommodate all new construction and safety standards, in accordance to the Department's standard specifications.
- 47. Utility plans are not reviewed or authorized by the access permit. They must be submitted to the Region Utility Office. The Permittee shall locate all utilities within the existing right-of-way and any area which may be affected by access or roadway improvements. Plans shall conform to Section 2.3(11)(f) of the State Highway Access Code. The Permittee shall contact the Region Utility Office (970) 350-2164.

7

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application acceptance date:

Instructions: - Contact the Colorado Department of Transportation (CDOT) or your local government to determine your issuing authority. - Contact the issuing authority to determine what plans and other documents are required to be submitted with your application. - Complete this form (some questions may not apply to you) and attach all necessary documents and Submit it to the issuing authority. - Submit an application for each access affected. - If you have any questions contact the issuing authority. - For additional information see CDOT's Access Management website at https://www.codot.gov/business/permits/accesspermits							
1) Property owner (Permittee) T3 Land & Investments LLC		Applicant or Agent for p AGPROfessional		nt from property	owner)		
Street address PO BOX 408		Mailing address 3050 67th Aven	ue Suite 20	00			
City, state & zip Brush , CO 80723	#	City, state & zip					
E-mail address		E-mail address if available					
3) Address of property to be served by permit (require 32295 Highway 34, Brush CO 80	,	s. 103532000003,	10353300000	01, & 1233	04000003		
4) Legal description of property: If within jurisdictiona		_					
	N/A N/A	section 04 & 33	township 3&4 N	range 55			
 What State Highway are you requesting access from Highway 34 		6) What side of the highwa	E\	W			
7) How many feet is the proposed access from the ne		feet is the proposed access					
1580 +/- feet N S E W) from: 1		iles feet ON OS E	W) from: 1-76	& HWY 34			
 What is the approximate date you intend to begin of 1/1/2023 	construction?						
9) Check here if you are requesting a: new access temporary access (duration change in access use Change in access use Change in ac	n anticipated: removal of access		ement to existing a ion of an existing a		etail)		
10) Provide existing property use Agricultural, Commercial Fee	dlot						
11) Do you have knowledge of any State Highway ac				a property intere or, permit date:	st?		
12) Does the property owner own or have any interes no yes, if yes - please describe:		property ownershi	p map				
13) Are there other existing or dedicated public street no yes, if yes - list them on your							
14) If you are requesting agricultural field access - how many acres will the access serve?							
15) If you are requesting commercial or industrial account business/land use	ess please indicate the types square footage	and number of businesses busine		or area square fo	otage of each. square footage		
Commercial Feedlot							
	İ						
16) If you are requesting residential developement access, what is the type (single family, apartment, townhouse) and number of units? type number of units type number of units							
17) Provide the following vehicle count estimates for	vehicles that will use the acc	ess. Leaving the property the	en returning is two	counts.			
Indicate if your counts are peak hour volumes or average daily volumes.	# of passenger cars and light trucks	s at peak hour volumes	# of multi unit trucks at 19	peak hour volumes			
# of single unit vehicles in excess of 30 ft.	# of farm vehicles (field equipment)		Total count of all	vehicles			

18) Check with the issuing authority to determine which of the following documents are required to complete the review of your application.

- a) Property map indicating other access, bordering roads and streets.
- b) Highway and driveway plan profile.
- c) Drainage plan showing impact to the highway right-of-way.
- Map and letters detailing utility locations before and after development in and along the right-of-way.
- e) Subdivision, zoning, or development plan.
- f) Proposed access design.
- g) Parcel and ownership maps including easements.
- h) Traffic studies.
- i) Proof of ownership.
- 1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage: https://www.codot.gov/programs/environmental/resources/guidance-standards/environmental-clearances-info-summary-august-2017/view
- 2- All workers within the State Highway right of way shall comply with their employer's safety and health policies/ procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations including, but not limited to the applicable sections of 29 CFR Part 1910 Occupational Safety and Health Standards and 29 CFR Part 1926 Safety and Health Regulations for Construction.

Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment: High visibility apparel as specified in the Traffic Control provisions of the documentation accompanying the Notice to Proceed related to this permit (at a minimum, ANSI/ISEA 107-1999, class 2); head protection that complies with the ANSI Z89.1-1997 standard; and at all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96. If required, such footwear shall meet the requirements of ANSI Z41-1999.

Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

3- The Permittee is responsible for complying with the Revised Guidelines that have been adopted by the Access Board under the American Disabilities Act (ADA). These guidelines define traversable slope requirements and prescribe the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at:

https://www.codot.gov/business/civilrights/ada/resources-engineers

If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.

I understand receipt of an access permit does not constitute permission to start access construction work.

Applicant or Agent for Permittee signature	Print name Harrah Dutro AGPROFESSION	Date 208 2023
If the applicant is not the owner of the protection of the protect	operty, we require this application also to be so other acceptable written evidence). This sign rest unless stated in writing. If a permit is issued in writing.	signed by the property owner or
Property owner signature	Print name Dan Timmerman	2-8-23

Google Maps



1







SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made this ______ day of October, 2019, between Pinneo Feedlot, Ltd. Liability Company, AKA Pinneo Feedlot, LLC, a Colorado limited liability company, whose address is P.O. Box 384, 32295 Highway 34, Brush, CO 807223 (the "Grantor") and T3 Land & Investment LLC, a Colorado limited liability company whose address is P.O. Box 367, Springfield, NE 68059 (the "Grantee").

WITNESSETH:

Grantor for and in full consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valid consideration, in hand paid by the Grantee the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell, convey and confirm unto the said Grantee and its successors and assigns forever all the following described lot or parcel of land, situate, lying and being in the County of Morgan, State of Colorado, to wit:

Property described on Exhibit A, attached hereto and incorporated herein;

Excepting therefrom and reserving unto Grantor all of the oil, gas and other minerals.

Together with all its appurtenances, and improvements, and easements appurtenant, benefiting or used in connection with the land conveyed, and warrants the title against all persons claiming by, through or under Grantor, subject, however, to statutory exceptions as defined in C.R.S. 38-30-113(5)(a).

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

GRANTOR:

Pinneo Feedlot, Ltd. Liability Company, A/K/A Pinneo Feedlot, LLC

STATE OF COLORADO)

COUNTY OF MORGAN)

Booth, Managers of Pinneo Feedlot, Ltd. Liability Company, A/K/A Pinneo Feedlot, LLC.

My Commission Expires: 4 20/2

LINDA L. REDING Notary Public State of Colorado Notary ID # 19944009987 My Commission Expires 06-20-2022

921079 Pages: 2 of 3

EXHIBIT A OF SPECIAL WARRANTY DEED

PARCEL A:

The S1/2 and all that part of the NW1/4 lying lying South of Interstate Highway I-80S (now known as I-76) of Section 22, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado

PARCEL B:

All that part of the SE1/4SE1/4 of Section 30, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado, lying South of Interstate I-80S (now known as I-76) as conveyed in Book 688 at page 305.

PARCEL C:

All that part of the SE1/4NE1/4 lying lying South of Interstate Highway I-80S (now known as I-76) of Section 21, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado.

The S1/2 of Section 21, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado EXCEPT that part conveyed in Book 677 at page 482.

PARCEL D

All of Section 28, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado. EXCEPT that part conveyed in Book 677 at page 482.

PARCEL E

That portion of the E1/2 of Section 29, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado, being more particularly described as follows: Beginning at the E1/4 corner of said Section 29; thence along the East line of the SE1/4 of Section 29, S00°23'23"E 1319.73 feet to the South line of the N1/2SE1/4 of said Section 29; thence along said South line S89°44'34"W 2601.96 feet to the West line of the E1/2 of said Section 29; thence along said West line, N00°41'02"W 1439.67 feet to the Southeasterly right of way of Interstate 76; thence along said right of way N52°41'00"E 3264.14 feet to the East line of the NE1/4 of said Section 29; thence along said East line S00°23'23"E 2087.02 feet to the point of beginning, according to Boundary Survey recorded July 24, 1981 in Map Book 5 at page 92. AND

The S1/2S1/2 of Section 29, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado, EXCEPT that parcel conveyed in Book 688 at page 305.

PARCEL F:

All that part of Section 32, township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado, lying North of U.S. Highway 34, as deeded in Book 438 at page 326, EXCEPT a parcel conveyed to Gene T. Mitchell and Rosa M. Mitchell recorded June 4, 2002 in Book 1115 at page 924.

PARCEL G:

The W1/2 of Section 33, Township 4 North, Range 55 West of the 6th P.M. AND a tract of land in the NW1/4 of Section 4, Township 3 North, Range 55 West of the 6th P.M., Morgan County, Colorado, described as follows: Beginning at a point 212 feet South of the NW corner of said Section 4; thence North along the West line of same Section, 212 feet to the same NW corner of Section 4; thence East along the North Section line of Section 4, 2670 feet to a point on the 1/2 Section line of Section 4; thence South 792 feet on said 1/2 Section line to a point on the North right of way line of Highway 34; thence NW along Highway right of way on a bearing N78°17'W 2774 feet, more or less, to the point of beginning. EXCEPT a tract or parcel of land in the NW1/4 of Section 4, Township 3 North, Range 55 West of the 6th P.M., Morgan County, Colorado, said tract or parcel being more particularly described as follows: Beginning at a point on the West line of Section 4, Township 3 North, Range 55 West, from which point the NW corner of said Section 4 bears N0°07'W a distance of 210.4 feet; thence along the West line of said Section 4, S0°07'E a distance of 127.7 feet; thence 50.0 feet Southerly of and parallel to the center line of the project, S78°17'E a distance of 2746.5 feet to a point on the North and South 1/4 line of said Section 4, N2°52'W a distance of 129.2 feet; thence 75 feet Northerly of and parallel to the center line of the project N78°17'W a distance of 2740.2 feet, more or less, to the point of beginning.

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PARCEL H:

The E1/2 of Section 33, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado AND the N1/2NE1/4 of Section 4, Township 3 North, Range 55 West of the 6th P.M., Morgan County, Colorado, EXCEPT that part conveyed to State of Colorado, Department of Transportation recorded in Book 1068 at page 559 and Corrected in Book 1098 at page 719.

PARCEL I:

The W1/2SW1/4 of Section 23, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado.

PARCEL J:

All that part of the NE1/4 of Section 31, Township 4 North, Range 55 West of the 6th P.M., lying South of the Highway deeded in Book 683 at page 312, Morgan County, Colorado.

That part of the S1/2 of Section 31, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado, EXCEPT a parcel deeded to the Town of Brush, Colorado in Book 488 at page 11, EXCEPT a parcel of land deeded to the Brush Livestock Commission Company in Book 732 at page 168, AND EXCEPT a parcel of land in Section 31, Township 4 North, Range 55 West of the 6th P.M., described as follows: Beginning at the SE corner of the Brush Municipal Airport, being found a 2" iron pipe at a fence corner; thence N9°20'57"W along the East line of said Airport and fence line a distance of 723.96 feet to a fence corner being the NE corner of said Airport; thence S80°40'34"W along the North line of said Airport and fence line a distance of 2162.37 feet to a fence corner; thence N28°56'24"E along a fence line a distance of 441.76 feet to a fence corner; thence N78°39'37"E a distance of 2452.91 feet to a fence corner; thence S8°34'48"E along a fence line a distance of 1304.01 feet to a fence corner being a point on the North right of way line of U.S. Highway 34; thence N79°44'38"W along said right of way and a fence line a distance of 438.87 feet to an angle point in said right of way and fence line being the found Brass Cap in a concrete post right of way monument; thence S80°33'46"W along said right of way and fence line a distance of 131.85 feet to the point of beginning.

NOTE: Any conveyance or encumbrance of the above property should include the following: "Together with a right of way for Road purposes 60 feet in width along and adjacent to the West boundary line of a parcel described in Book 732 at page 168" This is for information only and said easement will not be insured on the final policy.

PARCEL K:

The S1/2 of Section 20, Township 5 North, Range 55 West of the 6th P.M., Morgan County, Colorado, EXCEPT that parcel conveyed at Reception No. 852802.

AND

The W1/2NE1/4, NW1/4, NW1/4SE1/4, N1/2SW1/4 and SW1/4SW1/4 of Section 29, Township 5 North, Range 55 West of the 6th P.M., Morgan County, Colorado, EXCEPT All that part of the NW1/4SE1/4 and the SW1/4SW1/4 of Section 29, Township 5 North, Range 55 West of the 6th, Morgan County, Colorado, lying South and East of the Snyder-Smith Ditch.

AND

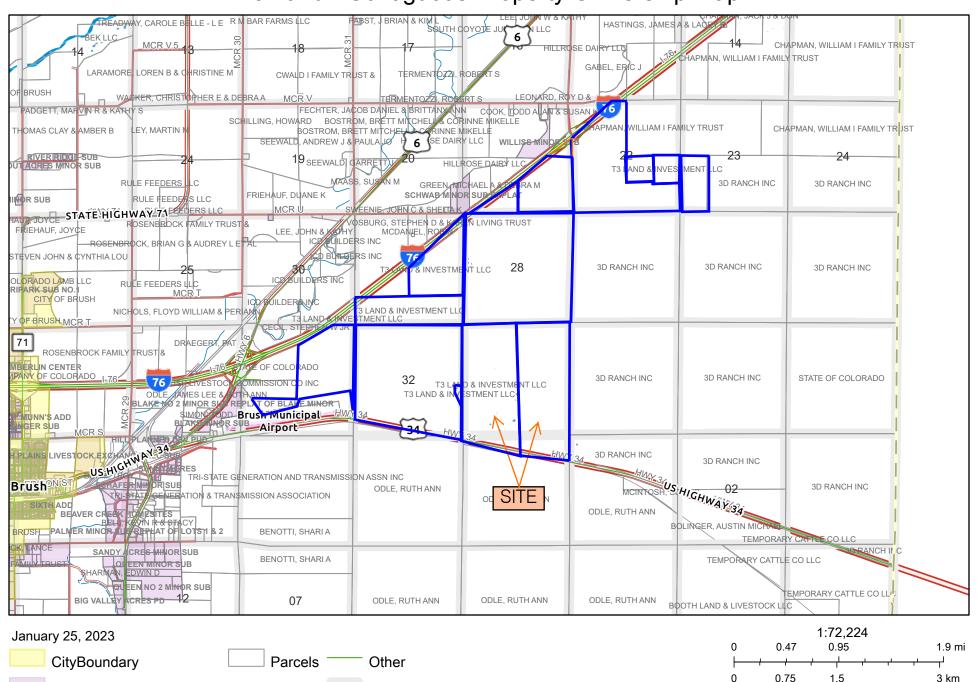
All that part of the SE1/4SW1/4 and SW1/4SE1/4 of Section 29, Township 5 North, Range 55 West of the 6th P.M., Morgan County, Colorado, lying North of the Snyder-Smith Ditch

and commonly known as (for informational purposes only): 32295 HIGHWAY 34, BRUSH, COLORADO, 80723

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Subdivision Map Number Roads

T3 Land - Contiguous Property Ownership Map



Section

County

1.5

Nebraska Game & Parks Commission, Esri, HERE, Garmin, SafeGraph,

GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

3 km

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application acceptance date:

Instructions: - Contact the Colorado Department of Transportation (CDOT) or your local government to determine your issuing authority. - Contact the issuing authority to determine what plans and other documents are required to be submitted with your application. - Complete this form (some questions may not apply to you) and attach all necessary documents and Submit it to the issuing authority. - Submit an application for each access affected. - If you have any questions contact the issuing authority. - For additional information see CDOT's Access Management website at https://www.codot.gov/business/permits/accesspermits							
1) Property owner (Permittee) T3 Land & Investments LLC		Applicant or Agent for page AGPROfessional		nt from property o	wner)		
Street address PO BOX 408		Mailing address 3050 67th Avenue Suite 200					
City, state & zip Brush , CO 80723	#	City, state & zip Greeley, CO 806		Phone # (required) 970-535-93			
E-mail address		E-mail address if available					
3) Address of property to be served by permit (require 32295 Highway 34, Brush CO 80		s. 103532000003,	10353300000	1, & 12330	4000003		
	I limits of Municipality, city an	d/or County, which one?	township	range 55 1	A		
 What State Highway are you requesting access from Highway 34 	om?	6) What side of the highway		V			
7) How many feet is the proposed access from the ne		feet is the proposed access to the proposed a					
8) What is the approximate date you intend to begin of		teet LIN LIS LE	w) from:				
1/1/2023 9) Check here if you are requesting a:							
new access temporary access (duration change in access use	n anticipated: removal of access		ment to existing a on of an existing ac		ail)		
10) Provide existing property use Agricultural, Commercial Fee	dlot						
11) Do you have knowledge of any State Highway ac			in which you have and/	a property interest or, permit date:	?		
12) Does the property owner own or have any interest no yes, if yes - please describe:		property ownership	p map				
13) Are there other existing or dedicated public street no pour no yes, if yes - list them on your	s, roads, highways or access plans and indicate the propo	easements bordering or with sed and existing access poir	in the property? nts.				
14) If you are requesting agricultural field access - ho	ow many acres will the access	s serve?					
15) If you are requesting commercial or industrial accurate business/land use	ess please indicate the types square footage	and number of businesses a		or area square foo	tage of each. square footage		
Commercial Feedlot							
16) If you are requesting residential developement ac	cess, what is the type (single	family, apartment, townhous	se) and number of	units?			
type number of units type number of units							
17) Provide the following vehicle count estimates for	vehicles that will use the acce	ess. Leaving the property the	n returning is two	counts.			
Indicate if your counts are peak hour volumes or average daily volumes.	# of passenger cars and light trucks	at peak hour volumes	# of multi unit trucks at 19	peak hour volumes			
# of single unit vehicles in excess of 30 ft. 28 # of farm vehicles (field equipment) **Total courses of 30 ft. **Total cours				vehicles			

18) Check with the issuing authority to determine which of the following documents are required to complete the review of your application.

- a) Property map indicating other access, bordering roads and streets.
- b) Highway and driveway plan profile.
- c) Drainage plan showing impact to the highway right-of-way.
- Map and letters detailing utility locations before and after development in and along the right-of-way.
- e) Subdivision, zoning, or development plan.
- f) Proposed access design.
- g) Parcel and ownership maps including easements.
- h) Traffic studies.
- i) Proof of ownership.
- 1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage: https://www.codot.gov/programs/environmental/resources/guidance-standards/environmental-clearances-info-summary-august-2017/view
- 2- All workers within the State Highway right of way shall comply with their employer's safety and health policies/ procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations including, but not limited to the applicable sections of 29 CFR Part 1910 Occupational Safety and Health Standards and 29 CFR Part 1926
- Safety and Health Regulations for Construction.

Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment: High visibility apparel as specified in the Traffic Control provisions of the documentation accompanying the Notice to Proceed related to this permit (at a minimum, ANSI/ISEA 107-1999, class 2); head protection that complies with the ANSI Z89.1-1997 standard; and at all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96. If required, such footwear shall meet the requirements of ANSI Z41-1999.

Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

3- The Permittee is responsible for complying with the Revised Guidelines that have been adopted by the Access Board under the American Disabilities Act (ADA). These guidelines define traversable slope requirements and prescribe the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at:

https://www.codot.gov/business/civilrights/ada/resources-engineers

If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.

I understand receipt of an access permit does not constitute permission to start access construction work.

Applicant or Agent for Permittee signature	Print name Harnah Dutrow AGPROFESSIONA							
If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is issued, the property owner, in most cases, will be listed as the permittee.								
Property owner signature	Print name Dan Timmeanum	Date 2-8-23						
1100								

Official Records of Morgan County, CO 921079
10/03/2019 03:05:30 PM Pgs: 3 Rec Fee: 23.00
State Documentary Fee: \$1155.51 Clerk: Susan L. Bailey



SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made this ______ day of October, 2019, between Pinneo Feedlot, Ltd. Liability Company, AKA Pinneo Feedlot, LLC, a Colorado limited liability company, whose address is P.O. Box 384, 32295 Highway 34, Brush, CO 807223 (the "Grantor") and T3 Land & Investment LLC, a Colorado limited liability company whose address is P.O. Box 367, Springfield, NE 68059 (the "Grantee").

WITNESSETH:

Grantor for and in full consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valid consideration, in hand paid by the Grantee the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell, convey and confirm unto the said Grantee and its successors and assigns forever all the following described lot or parcel of land, situate, lying and being in the County of Morgan, State of Colorado, to wit:

Property described on Exhibit A, attached hereto and incorporated herein;

Excepting therefrom and reserving unto Grantor all of the oil, gas and other minerals.

Together with all its appurtenances, and improvements, and easements appurtenant, benefiting or used in connection with the land conveyed, and warrants the title against all persons claiming by, through or under Grantor, subject, however, to statutory exceptions as defined in C.R.S. 38-30-113(5)(a).

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

GRANTOR:

Pinneo Feedlot, Ltd. Liability Company, A/K/A Pinneo Feedlot, LLC

By: 19 5 305

mark & R

Mark C. Booth, Manager

STATE OF COLORADO)

COUNTY OF MORGAN)

The foregoing was acknowledged before me this ______ day of October , 2019, by Gary S. Booth and Mark C. Booth, Managers of Pinneo Feedlot, Ltd. Liability Company, A/K/A Pinneo Feedlot, Ltc.

_

My Commission Expires: 4 20/2

LINDA L. REDING
Notary Public
State of Colorado
Notary ID # 19944009987
My Commission Expires 06-20-2022

21687

Return to: T3 Land & Investment LSC PO Box 367 Springfield NE 6 PO 59

921079 Pages: 2 of 3

EXHIBIT A OF SPECIAL WARRANTY DEED

PARCEL A:

The S1/2 and all that part of the NW1/4 lying lying South of Interstate Highway I-80S (now known as I-76) of Section 22, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado

PARCEL B:

All that part of the SE1/4SE1/4 of Section 30, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado, lying South of Interstate I-80S (now known as I-76) as conveyed in Book 688 at page 305.

PARCEL C:

All that part of the SE1/4NE1/4 lying lying South of Interstate Highway I-80S (now known as I-76) of Section 21, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado.

AND

The S1/2 of Section 21, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado EXCEPT that part conveyed in Book 677 at page 482.

PARCEL D

All of Section 28, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado. EXCEPT that part conveyed in Book 677 at page 482.

PARCEL E:

That portion of the E1/2 of Section 29, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado, being more particularly described as follows: Beginning at the E1/4 corner of said Section 29; thence along the East line of the SE1/4 of Section 29, S00°23'23"E 1319.73 feet to the South line of the N1/2SE1/4 of said Section 29; thence along said South line S89°44'34"W 2601.96 feet to the West line of the E1/2 of said Section 29; thence along said West line, N00°41'02"W 1439.67 feet to the Southeasterly right of way of Interstate 76; thence along said right of way N52°41'00"E 3264.14 feet to the East line of the NE1/4 of said Section 29; thence along said East line S00°23'23"E 2087.02 feet to the point of beginning, according to Boundary Survey recorded July 24, 1981 in Map Book 5 at page 92.

The S1/2S1/2 of Section 29, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado, EXCEPT that parcel conveyed in Book 688 at page 305.

PARCEL F:

All that part of Section 32, township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado, lying North of U.S. Highway 34, as deeded in Book 438 at page 326, EXCEPT a parcel conveyed to Gene T. Mitchell and Rosa M. Mitchell recorded June 4, 2002 in Book 1115 at page 924.

PARCEL G:

The W1/2 of Section 33, Township 4 North, Range 55 West of the 6th P.M. AND a tract of land in the NW1/4 of Section 4, Township 3 North, Range 55 West of the 6th P.M., Morgan County, Colorado, described as follows: Beginning at a point 212 feet South of the NW corner of said Section 4; thence North along the West line of same Section, 212 feet to the same NW corner of Section 4; thence East along the North Section line of Section 4, 2670 feet to a point on the 1/2 Section line of Section 4; thence South 792 feet on said 1/2 Section line to a point on the North right of way line of Highway 34; thence NW along Highway right of way on a bearing N78°17'W 2774 feet, more or less, to the point of beginning. EXCEPT a tract or parcel of land in the NW1/4 of Section 4, Township 3 North, Range 55 West of the 6th P.M., Morgan County, Colorado, said tract or parcel being more particularly described as follows: Beginning at a point on the West line of Section 4, Township 3 North, Range 55 West, from which point the NW corner of said Section 4 bears N0°07'W a distance of 210.4 feet; thence along the West line of said Section 4, S0°07'E a distance of 127.7 feet; thence 50.0 feet Southerly of and parallel to the center line of the project, S78°17'E a distance of 2746.5 feet to a point on the North and South 1/4 line of said Section 4; thence along the North and South 1/4 line of said Section 4, N2°52'W a distance of 129.2 feet; thence 75 feet Northerly of and parallel to the center line of the project N78°17'W a distance of 2740.2 feet, more or less, to the point of beginning.

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Page 2 of 3

921079 Pages: 3 of 3

PARCEL H:

The E1/2 of Section 33, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado AND the N1/2NE1/4 of Section 4, Township 3 North, Range 55 West of the 6th P.M., Morgan County, Colorado, EXCEPT that part conveyed to State of Colorado, Department of Transportation recorded in Book 1068 at page 559 and Corrected in Book 1098 at page 719.

PARCEL I:

The W1/2SW1/4 of Section 23, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado.

PARCEL J:

All that part of the NE1/4 of Section 31, Township 4 North, Range 55 West of the 6th P.M., lying South of the Highway deeded in Book 683 at page 312, Morgan County, Colorado.

AND

That part of the S1/2 of Section 31, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado, EXCEPT a parcel deeded to the Town of Brush, Colorado in Book 488 at page 11, EXCEPT a parcel of land deeded to the Brush Livestock Commission Company in Book 732 at page 168, AND EXCEPT a parcel of land in Section 31, Township 4 North, Range 55 West of the 6th P.M., described as follows: Beginning at the SE corner of the Brush Municipal Airport, being found a 2" iron pipe at a fence corner; thence N9°20'57"W along the East line of said Airport and fence line a distance of 723.96 feet to a fence corner being the NE corner of said Airport; thence S80°40'34"W along the North line of said Airport and fence line a distance of 2162.37 feet to a fence corner; thence N28°56'24"E along a fence line a distance of 441.76 feet to a fence corner; thence N78°39'37"E a distance of 2452.91 feet to a fence corner; thence S8°34'48"E along a fence line a distance of 1304.01 feet to a fence corner being a point on the North right of way line of U.S. Highway 34; thence N79°44'38"W along said right of way and a fence line a distance of 438.87 feet to an angle point in said right of way and fence line being the found Brass Cap in a concrete post right of way monument; thence S80°33'46"W along said right of way and fence line a distance of 131.85 feet to the point of beginning.

NOTE: Any conveyance or encumbrance of the above property should include the following: "Together with a right of way for Road purposes 60 feet in width along and adjacent to the West boundary line of a parcel described in Book 732 at page 168" This is for information only and said easement will not be insured on the final policy.

PARCEL K:

The S1/2 of Section 20, Township 5 North, Range 55 West of the 6th P.M., Morgan County, Colorado, EXCEPT that parcel conveyed at Reception No. 852802.

AND

The W1/2NE1/4, NW1/4, NW1/4SE1/4, N1/2SW1/4 and SW1/4SW1/4 of Section 29, Township 5 North, Range 55 West of the 6th P.M., Morgan County, Colorado, EXCEPT All that part of the NW1/4SE1/4 and the SW1/4SW1/4 of Section 29, Township 5 North, Range 55 West of the 6th, Morgan County, Colorado, lying South and East of the Snyder-Smith Ditch.

AND

All that part of the SE1/4SW1/4 and SW1/4SE1/4 of Section 29, Township 5 North, Range 55 West of the 6th P.M., Morgan County, Colorado, lying North of the Snyder-Smith Ditch

and commonly known as (for informational purposes only): 32295 HIGHWAY 34, BRUSH, COLORADO, 80723

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Google Maps

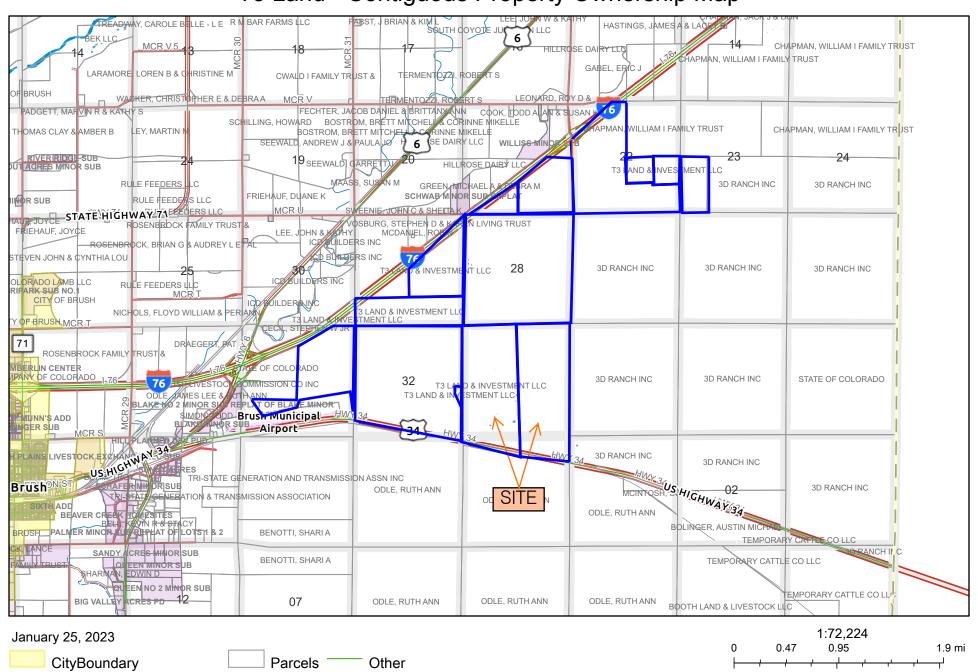


1





T3 Land - Contiguous Property Ownership Map



Subdivision Map Number Roads Section County

0.75 1.5 3 km

Nebraska Game & Parks Commission, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA

ADDITIONAL APPLICATION INFORMATION

City of Brush Correspondence

Tax Account Statement

Draco Solar Mail - New project 6/12/25, 2:19 PM



Draco Solar

New project

Draco Solar

To: 1

Thu, May 15, 2025 at 10:12 AM

Hello, Morgan county wanted me to reach out to you about the project at 32295 US-34, Brush, CO 80723. I wasn't sure what all I needed So please let me know, thank you

Tyler Purvis

Thu, May 15, 2025 at 10:29 AM

To: Draco Solar

Hello Ivy

Did they say why they wanted you to reach out to us?

Tyler Purvis City of Brush! Community Development Director / Assistant City Administrator

Ο.

From: Draco Solar

Sent: Thursday, May 15, 2025 11:12 AM

To: Tyler Purvis

Subject: New project

Draco Solar To: Tyler Purvis Thu, May 15, 2025 at 11:35 AM

Yes they told me to reach out and notify you.

Draco Solar To: Tyler Purvis Thu, May 15, 2025 at 11:48 AM

We are installing a solar system.

Draco Solar Mail - New project 6/12/25, 2:19 PM

On Thu, May 15, 2025 at 11:29 AM Tyler Purvis wrote: Tyler Purvis Fri, May 23, 2025 at 3:26 PM To: Draco Solar Do you have a site plan you can send me? Tyler Purvis City of Brush! Community Development Director / Assistant City Administrator From: Draco Solar **Sent:** Thursday, May 15, 2025 12:48 PM To: Tyler Purvis Subject: Re: New project Tue, May 27, 2025 at 7:52 AM Draco Solar To: Tyler Purvis Yes of course, Attached here for you. Timmerman_IFP_v6_3-24-25 (1) SS.pdf 11511K Tyler Purvis Wed, May 28, 2025 at 8:48 AM To: Draco Solar Thanks. The only comment I have is in regard to the Brush Airport 1.5 miles from the proposed site and looking to ensure that the panels and any glare will not interfere with the pilot's flight

visual, especially as they prepare for landing or shortly after takeoff.

Tyler Purvis City of Brush! Community Development Director / Assistant City Administrator Ο.

From: Draco Solar <permitting@draco.solar>

Draco Solar Mail - New project 6/12/25, 2:19 PM

Sent: Tuesday, May 27, 2025 8:52 AM

To: Tyler Purvis

Subject: Re: New project

[Quoted text hidden]

Draco Solar
To: Tyler Purvis

Wed, May 28, 2025 at 9:49 AM

Okay thank you Tyler!

Morgan County Treasurer Statement of Taxes Due

Account Number R002779 Assessed To Parcel 123304000003 T3 LAND & INVESTMENT LLC P O BOX 408 BRUSH, CO 80723

 Legal Description
 Situs Address

 S: 04 T: 3 R: 55 PARC NW1/4 B854 P978 (CORRECTION SECTION) S: 33 T: 4 R: 55 W1/2
 32295 HWY 34

Year	Tax	Adjustments	Interest	Fees	Payments	Balance
Tax Charge						
2024	\$32,225.40	(\$1,189.12)	\$0.00	\$0.00	(\$31,036.28)	\$0.00
Total Tax Charge						\$0.00
Grand Total Due as of 06/30/2025					\$0.00	

Tax Billed at 2024 Rates for Tax Area 010 - 010 - RE 2J

Authority	Mill Levy	Amount	Values	Actual	Assessed
COUNTY GENERAL FUND	19.5360000	\$6,694.99	SPRINKLER	\$33,180	\$8,760
ROAD AND BRIDGE FUND	7.5000000	\$2,570.25	IRRIGATED LAND		
SOCIAL SERVICES FUND	2.0000000	\$685.40	GRAZING LAND	\$2,990	\$790
BRUSH RURAL FIRE DISTRICT	3.5130000	\$1,203.90	ALL OTHER AG - LAND	\$360,000	\$100,440
E MORGAN COUNTY HOSPITAL	4.5000000	\$1,542.15	ALL OTHER AG -	\$834.080	\$232,710
E MORGAN COUNTY LIBRARY	3.5000000	\$1,199.45	IMPS	Ψος 1,000	Ψ232,710
NORTHERN COLO WATER CD	1.0000000	\$342.70	Total	\$1.230.250	\$342,700
RE 2-J BRUSH GENERAL FD	27.2260000	\$9,330.35	1000	Ψ1,250,250	φε. Ξ, ,,ου
RE 2-J BRUSH M/L OVRD	9.1740000	\$3,143.93			
RE 2-J BRUSH BOND RED	12.6150000	\$4,323.16			
Taxes Billed 2024	90.5640000	\$31,036.28			

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

LANDOWNER LETTERS, NOTICE & RESPONSES

Landowner Letter Sent & Responses Received Notification



MORGAN COUNTY PLANNING AND ZONING DEPARTMENT

July 23, 2025

Dear Neighboring Landowners:

No Problem Electric Corp as applicant and T3 Land & Investment LLC as landowner, have submitted an application to our office for a variance from Section 4-825 (B)(1) in regards to the requirements of the Morgan County Zoning Regulations, that accessory ground mounted solar collectors shall be located in a side or rear yard only.

Legal Description: Located in the NW¹/₄ of Section 4, Township 3 North, Range 55 West, north of Highway 34 and in the W¹/₂ of Section 33, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado aka 32295 US-34, Brush, CO 80723.

This application will be heard by the Morgan County Board of Adjustments on **Monday, August 18, 2025 at 5:30 P.M.** in the Assembly Room of the Morgan County Administration Building, 231 Ensign St., (Basement Level, elevator entrance) Fort Morgan, Colorado. Adjacent landowners to the property are notified of the application and hearing date.

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, either contact us at (970) 542-3526 or stop by our office prior to the hearing. You may attend the public hearing and provide comments on the application, or alternatively, if you are not able to attend you may submit written comments to our office no later than **August 6, 2025.**

Sincerely,

Nicole Hay

Nicole Hay Planning Administrator

For special assistance for the mentioned hearing, please notify us at least 48 hours before the scheduled agenda item. Please call (970) 542-3526 to request any ADA accommodations

T3 LAND & INVESTMENT LLC

P O BOX 408 BRUSH, CO 80723

ODLE, RUTH ANN REVOCABLE TRUST

16218 HWY 71 BRUSH, CO 80723

NOTICE OF PUBLIC HEARING MORGAN COUNTY BOARD OF ADJUSTMENT MONDAY, AUGUST 18, 2025 AT 5:30 P.M. AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN COL

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 Adjustment will conduct a public hearing on an application for a variance from the dimensional standards in the Morgan County Zoning Regulations:

1. Applicant: No Problem Electric Corp

Landowner: Timmerman Cattle

Legal Description: Located in the NW¼ of Section 4, Township 3 North, Range 55 West, north of Highway 34 and in the W½ of Section 33, Township 4 North, Range 55 West of the 6th P.M., Morgan County, Colorado aka 32295 US-34, Brush, CO 80723.

Request: A variance from Section 4-825 (B)(1) in regards to the requirements of the Morgan County Zoning Regulations, that accessory ground mounted solar collectors shall be located in a

side or rear yard only.

Date of Application: July 10, 2025

2. Applicant: Industrial Tower West-Teresa Sweigart

Landowner: Morgan County

Legal Description: Located in the SW1/4 of Section 14, Township 4 North, Range 57 West of the

6th P.M., Morgan County, Colorado aka 21448 CO RD 22, Fort Morgan, CO 80701

Request: A variance from Table 1 of Appendix B, Zone District Bulk Requirements of the Morgan County Zoning Regulations, regarding maximum building height of 100 feet for a new 112-foot tower and reducing the front setback from 30 feet to 20 feet for replacement of an existing wireless service facility.

Date of Application: July 15, 2025

THE COUNTY WILL CONTINUE TO OFFER THE OPTION TO ATTEND MEETINGS REMOTELY VIA ZOOM. 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/89875224414

Join via audio:

+1 719 359 4580 US

Webinar ID: 898 7522 4414

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado. Twenty-four hours prior to the meeting, the Board of Adjustment meeting packet is available here: morgancounty.colorado.gov

At time of the meeting an opportunity will be given for presentation of evidence in support of or in opposition to the application.

Nicole Hay

Nicole Hay, Morgan County Planning Administrator

Posted to website: August 7, 2025

For special assistance for the mentioned hearing, please notify us at least 48 hours before the scheduled agenda item. Please call (970) 542-3526 to request any ADA accommodations.