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FILE SUMMARY



**MORGAN COUNTY
PLANNING AND BUILDING DEPARTMENT**

**MORGAN COUNTY BOARD OF ADJUSTMENT
FILE SUMMARY**

June 13, 2023

June 20, 2023 – Hearing Date

**OWNER: BOS Farms, LLC
APPLICANT: Tim Naylor - AGPROfessionals**

BOS Farms, LLC, represented by Tim Naylor of AGPROfessionals has submitted this application for a variance to Section 3-650 Table 1, Note (d) of Appendix B, Zone District Bulk Requirements of the Morgan County Zoning Regulations regarding minimum setback for a residential structure to a confined animal feeding operation (CAFO) in the Agricultural Production zone district. The minimum setback from an animal confinement facility to an occupied structure is 1,320 feet. There is an existing home that is approximately 770 feet from the proposed footprint for the feeding operation. The variance request is to reduce the setback to approximately 550 feet from the regulation requirement.

The parcel of land is located in a part of the SE $\frac{1}{4}$ of Section 20, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, the NW $\frac{1}{4}$ of Section 28 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 29, all in Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado.

A Use by Special Review is also in the planning process to permit a new CAFO livestock facility.

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 for a residence owned by Lee and Michelle Parreria who have submitted a letter requesting approval of the variance. The owner of the residence will be the manager of the proposed facility. Due to the sites existing topography and the natural flow paths, the site design has resulted in a few large pens being placed within the 1320 foot setback.

- (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;

The variance will not adversely affect the use of adjacent property. All adjacent property is currently being used for agricultural purposes.

- (4) That the variance, if granted, is in keeping with the intent of these Zoning Regulations and the Morgan County's Comprehensive Plan; and

The zoning regulations provide for variance requests to the required 1,320 foot setback for feeding operations.

The Comprehensive Plan encourages the growth of the agriculture industry in the county.

Goals of the Morgan County Comprehensive Plan:

- a. Diversify the economy in Morgan County to broaden business employment opportunities for residents and to further economic growth.*

If approved, this variance will support the continuance of agriculture business in the county.

- b. The county will encourage the preservation of agriculture production lands in balance with pressures for land use changes to higher intensity development.*

If approved, this variance will encourage the preservation of the agriculture industry in the county.

- (5) That the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Morgan County.

The variance to permit a variation from setback for a proposed feeding operation, if granted, will not adversely affect the health, safety and welfare of the citizens of Morgan County.

Approval of this variance request would be subject to the Use by Special Review approval by the Board of County Commissioners.

Nicole Hay,
Morgan County Planning Administrator



**MORGAN COUNTY
PLANNING AND BUILDING DEPARTMENT**

May 26, 2023

AGPROfessionals
Attn: Hannah Dutrow
3050 67th Ave
Greeley, CO 80634
Sent via email: hdutrow@agpros.com

Dear Applicant:

Your Application for a Variance has been received by our office and will go through a full review. The hearing for the Board of Adjustments will be held on **June 20th, 2023 at 5:30 P.M.**

It is necessary that you and the landowners or their representatives be present at the hearing to answer any questions the Board of Adjustments may have. Do not hesitate to contact us at any time if you have questions.

Sincerely,

Nicole Hay

Nicole Hay
Planning Administrator

ORIGINAL SUBMITTAL

Original Application

Right to Farm

MORGAN COUNTY VARIANCE TO ZONING REGULATIONS APPLICATION

Prepared for

Bos Farms, LLC

In conjunction with Bos Farms, LLC SUP submittal

By

AGPROfessionals
3050 67th Avenue, Suite 200
Greeley, CO 80634
(970) 535-9318





Application

Morgan County Variance Application

Prepared for

Bos Farms, LLC



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

PERMIT # 212023 - 0001

Date Received 5 / 10 / 23 Received By JS
App Fee \$ 500 Ck/CC#: 1306 Paid 5 / 23 / 23
100 Year Floodplain Y/N Taxes Current Y/N

VARIANCE TO ZONING REGULATIONS APPLICATION

Landowner **MUST** Sign Application and Right to Farm Policy

APPLICANT

Name AGPROfessionals
Address 3050 67th Avenue, Greeley, CO 80634
Phone (970) 535-9318
Email hdutrow@agpros.com

LANDOWNER

Name Bos Farms, LLC
Address 20397 Road 152
Tulare, CA 93274
Phone (559) 280-6637
Email rick.bosfarms@gmail.com
tonytbos@gmail.com

PROPERTY LEGAL DESCRIPTION **If more space is necessary, attach an extra page to this application*

Job Site Address or General Location if not addressed:

See attached property descriptions

Parcel #: _____ S: _____ T: _____ R: _____ $\frac{1}{2}$ $\frac{1}{4}$ $\frac{1}{4}$

Size of Property _____ (in sq. ft. or acres)

Zone District: A

Subdivision: N/A

Lot #(s): N/A

Is property located within 1320' (1/4) of a livestock confinement facility? Y/N

TYPE OF VARIANCE

☐ Minimum Area of Lot (see list of additional attachments) from _____ to _____

☐ Minimum Width of Lot- from _____ to _____

☐ Maximum Height of Fence, Sign or Structure from _____ to _____

☐ Minimum Front Yard from _____ to _____

☐ Minimum Side Yard from _____ to _____

☐ Minimum Rear Yard from _____ to _____

☒ Other: Variance from Section # 4-200 A of Morgan County Zoning Regulations,

Notes: Landowner requests a waiver from 4-200 A to allow a livestock confinement facility be constructed within 1,320-feet of an existing residence.

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:
☐ \$150 Administrative Review (variance of 10% or less)
OR
☐ \$500 Full Review

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

- ☐ Recording fee for covenants made payable to Morgan County Clerk & Recorder
☐ \$13.00 first page ☐ \$5.00 each additional page ☐ ___ pages x \$5 = \$___

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 2-420

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))

- (1) The accessory use or building may have a drainage impact on adjacent properties;
- (2) The accessory use or building may have a drainage impact on adjacent right of ways;
- (3) The accessory structure is 5000 square feet or larger.

Proof of Ownership:

- ☐ Current title insurance commitment or Attorney's opinion (last 30 days)

Utilities/Access:

☐ **Driveway Permit** from CDOT or Morgan County Road and Bridge (new and existing driveways off county or state maintained roads)

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

☐ **Architecture Control Approval** (if applicable)

Technical:

☐ **Right to Farm Policy** signed by Landowner (attached)

☐ Names and addresses of all **mineral rights owners** and/or lessees

☐ Approval of project from adjoining landowners (administrative review only)

☐ ____ # **Paper Application sets-**
One sided only please

☐ **Digital Copy of Application**

☐ Additional information as required by staff: _____

Additional Requirements for Minimum Lot Size or Lot Width Variances: (Or as required by staff)
See attached excerpt for more details

☐ **Survey** per Sections 8-175 and 8-180 of the Morgan County Subdivision Regulations

☐ **Water**-must prove quality, quantity, & reliability (Quality Water Contract or current Permit from Colorado Department of Natural Resources)
<https://dwr.state.co.us/Tools/WellPermits>

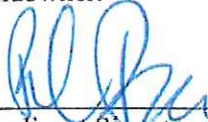
☐ **Sewer** (Septic Permit, Will Serve Letter from NCHD or proof of other public system)

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

APPLICANT'S STATEMENT

Applications will **not** be accepted for properties which are not current in their property taxes.


It is acknowledged that any drainage associated with this property in the past, present or future is the responsibility of the landowner and not that of Morgan County. I/we certify that the information and exhibits I/we have submitted are true and correct to the best of my knowledge. Application must be signed by landowner.



Applicant Signature

5/23/23

Date



Landowner Signature

5/23/23

Date

Applicant Signature

Date

Landowner Signature

Date

PROPERTY DESCRIPTION

Parcel 1:

Parcel No: 122720000008
Address: Not assigned
Current Owner: Bos Farms LLC
Deed: Recorded on June 09, 2022, at reception no. 941125
Legal Description: Part of the SE4 of S20, T3N, R58W.
Acres: 136.83 +/-

Parcel 2:

Parcel No: 122729000004
Address: Not assigned
Current Owner: Bos Farms LLC
Special Warranty Deed: Recorded on June 09, 2022, at reception no. 941125
Legal Description: Located in part of the N2NE4 of S29, T3N, R58W
Acres: 80.00 +/-

Parcel 3:

Parcel No: 122721000016
Address: 14240 Road 14
Current Owner: Bos Farms LLC
Special Warranty Deed: Recorded on June 09, 2022, at reception no. 941125
Legal Description: Located in part of the SW4SW4 of Sec 21, T3N, R58W
Acres: 40.00 +/-

Parcel 4:

Parcel No: 122728000005
Address: Not assigned
Current Owner: Bos Farms LLC
Special Warranty Deed: Recorded on June 09, 2022, at reception no. 941125
Legal Description: Located in part of the NW4 of Sec 28, T3N, R58W
Acres: 160.00 +/-



Right to Farm Policy

Morgan County Variance Application

Prepared for

Bos Farms, LLC



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

MORGAN COUNTY RIGHT TO FARM POLICY / NOTICE

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

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

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

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

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

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

RECEIPT AND STATEMENT OF UNDERSTANDING

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

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

Signature

Date

Printed Name

Address

To Be Signed by Landowner

[Handwritten Signature] *4/24/23*
Rick Bos - Member Bos Farms, LLC.
20397 RD 152
TULARE, CA 93274

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

NEIGHBOR LETTER



Neighbor Letter

Morgan County Variance Application

Prepared for

Bos Farms, LLC

Lee and Michelle Parriera
14505 Road 14
Fort Morgan, CO 80701
970-768-3016
granch23@gmail.com

May 23, 2023

Morgan County Department of Planning Services
218 Kiowa Ave.
Fort Morgan, CO 80701

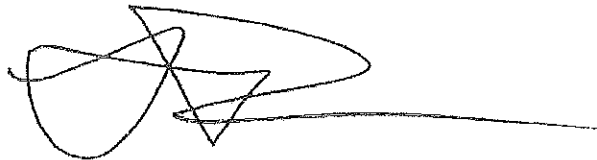
RE: Bos Farms, LLC – Variance to Zoning Regulations

To Whom It May Concern,

We are writing in regard to Bos Farms, LLC request for a variance from certain zoning regulations. We are the property owners of the residence located at 14505 Road 14, Fort Morgan, CO. The residence will be within the 1,320-foot setback of the proposed Bos Farms, LLC cattle ranch.

As indicated by this letter, we are not opposed to the livestock confinement operation and have no concerns with the variance from the Morgan County setback. We request you approve the variance of the cattle ranch facility.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'L' and 'M' intertwined, followed by a long horizontal line extending to the right.

Lee & Michelle Parreira

APPLICANT NARRATIVE



Narrative

Morgan County Variance Application

Prepared for

Bos Farms, LLC



MORGAN COUNTY
APPLICATION FOR VARIANCE TO ZONING REGULATIONS

Bos Farms, LLC is requesting a Special Use Permit for a Confined Animal Feeding Operation. A variance request is required to allow the facility to operate within 1320' of a residence, as described in Section 4-200 of the Morgan County Code.

The residence is owned by Lee and Michelle Parriera and is located on a parcel adjacent to the proposed feedlot. Mr. Parriera is in agreement with the variance request.

MORGAN COUNTY
APPLICATION FOR VARIANCE TO ZONING REGULATIONS

Bos Farms, LLC is requesting a Special Use Permit (SUP) for a Confined Animal Feeding Operation. A variance request is required to allow the facility to operate within 1,320-feet of a residence, as described in Section 4-200 A of the Morgan County Code.

The residence is owned by Lee and Michelle Parriera and is located on a parcel adjacent to the proposed feedlot. Mr. Parriera is in agreement with the variance request as indicated in the letter provided.

Variance Request

1. The existing dwelling unit is 770-feet from the SUP boundary. As such, this variance request is for the setback to be approved to be 770-feet.

Section 5-220 Criteria for Variances

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: (b) exception topographic conditions or other extraordinary and exceptional situation or condition of such piece of property; and

Due to the sites existing topography the optimal site design has resulted in a few of the large pens being placed within the 1,320-foot setback to a residence. The sites natural flow paths were utilized for the pond locations and the pens are placed as such to manage flow to the state regulated ponds. Re-configuration of the site will result in a hardship to the property owners as they would need to extensively re-shape the area to create new flow paths and result in a less functional facility.

The owner of the residence will be the manager of this facility and works for the Q Ranch facilities associated with this request. The variance request will not create a hardship for the residence in question.

2. the hardship is not self-imposed

The residence in question has been an existing structure on site as is the topography of the property.

SITE PLAN / MAPS



SUP Site Plan

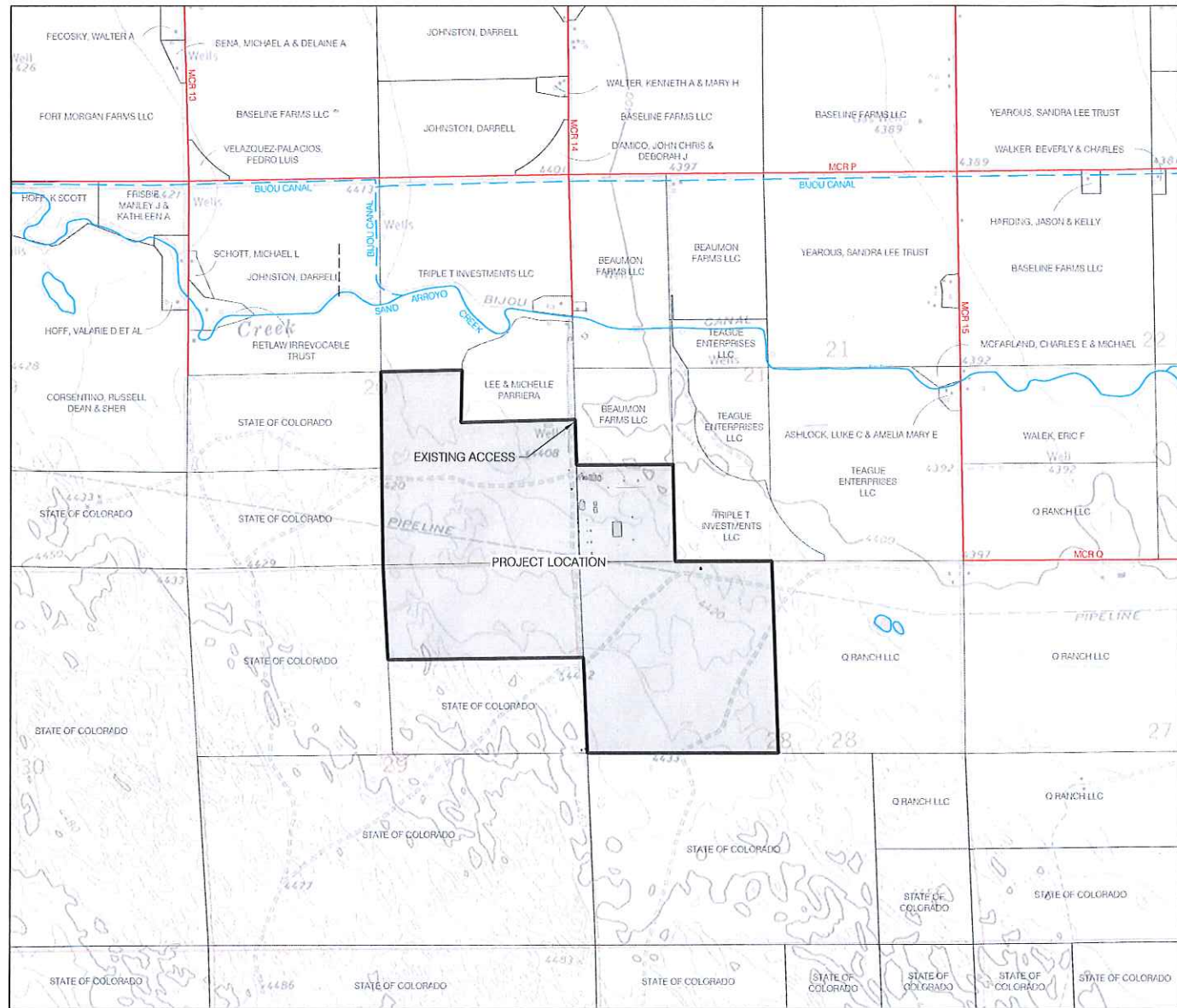
Morgan County Variance Application

Prepared for

Bos Farms, LLC

BOS FARMS LLC SPECIAL USE PERMIT (SUP) MAP

BEING A PART OF SECTIONS 20, 21, 28 AND 29, TOWNSHIP 3 NORTH, RANGE 58 WEST OF
THE 6TH P.M., MORGAN COUNTY, STATE OF COLORADO



VICINITY MAP

0 2000
SCALE 1" = 2000'

PROJECT INFORMATION

PROJECT LOCATION:
PARCEL 1227-280-00005
MORGAN COUNTY, CO

PROPERTY OWNER:
ROCK BOS
PH. # 559-280-6637

PLANNER / ENGINEER / PREPARED BY: PROJECT NUMBER:
AGPROFESSIONALS AGPRO PROJECT # 2114-01
TIM NAYLOR
CHAD TAVELDE, PE
3050 67TH AVE
GREELEY, CO 80634
PH. # 970-535-9318
Fax. # 970-535-9854

CERTIFICATION & SIGNATURE BLOCKS

CERTIFICATE OF OWNERSHIP:

KNOW ALL MEN BY THESE PRESENTS THAT RICK BOS FOR BOS FARMS LLC, BEING THE OWNER(S) OF CERTAIN LANDS IN MORGAN COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

THAT PART OF THE E1/2 SE1/4 OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 55 WEST OF THE 6TH P.M., WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A POINT ON THE EAST SIDE OF THE SAID SE1/4 OF SECTION 32, 1192.2 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE SOUTH 88°24' WEST 74.1 FEET; THENCE NORTH 24°47' WEST 792 FEET; THENCE NORTH 45°7' WEST 508.6 FEET; THENCE SOUTH 77°35' EAST 230.5 FEET; THENCE SOUTH 73°00' EAST 224.9 FEET TO A POINT ON THE EAST SIDE OF SAID SE1/4 SECTION 32; THENCE SOUTH ALONG THE EAST SIDE OF SAID SE1/4 OF SECTION 32, 1105.4 FEET TO THE POINT OF BEGINNING.

AND

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 N17°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 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

THE E1/2 OF SECTION 33, TOWNSHIP 4 NORTH, RANGE 55 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO, AND THE N1/2 NE1/4 OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 55 WEST OF THE 6TH P.M., MORGAN COUNTY, COLORADO, EXCEPT THAT PART CONVEYED TO COLORADO DEPARTMENT OF TRANSPORTATION RECORDED IN BOOK 1068 AT PAGE 559 AND CORRECTED IN BOOK 1093 AT PAGE 719.

CONTAINING A CALCULATED AREA OF 787.25 ACRES

HAVE AS BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME, AS SHOWN ON THIS PLAT, UNDER THE NAME AND STYLE OF SPECIAL USE PERMIT MAP.

EXECUTED THIS _____ DAY OF _____, 20____.

OWNER(S):

RICK BOS FOR
BOS FARMS, LLC

THE FOREGOING CERTIFICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____, BY _____

STATE OF COLORADO
COUNTY OF _____

MY COMMISSION EXPIRES _____

NOTARY PUBLIC _____

COMMISSIONER'S CERTIFICATE:

APPROVED THIS _____ DAY OF _____, 20____, BY _____
BOARD OF COUNTY COMMISSIONERS, MORGAN COUNTY, COLORADO. THIS APPROVAL DOES NOT GUARANTEE THAT THE SIZE, SOIL CONDITIONS, OR FLOODING CONDITIONS OF ANY LOT SHOWN HEREON ARE SUCH THAT A BUILDING PERMIT, WELL PERMIT, OR SEWAGE DISPOSAL PERMIT WILL BE ISSUED. THIS APPROVAL IS WITH THE UNDERSTANDING THAT ALL EXPENSES INVOLVING REQUIRED IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS, ROAD LIGHTING, ROAD SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES, AND ALL OTHER IMPROVEMENTS THAT MAY BE REQUIRED SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDED AND NOT THE COUNTY OF MORGAN.

ATTEST: CHAIRMAN _____

CLERK TO THE BOARD _____

CLERK AND RECORDERS CERTIFICATE:

STATE OF COLORADO)
COUNTY OF MORGAN) ss. _____

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT _____ O'CLOCK
_____ M., THIS _____ DAY OF _____,
20____, AND IS DULY RECORDED IN RECEPTION NO. _____

CLERK AND RECORDER _____



AGPROfessionals
DEVELOPERS OF AGRICULTURE
3050 67th Avenue, Suite 200,
Greeley, CO 80634
(970) 535-9318 • fax (970) 535-9854

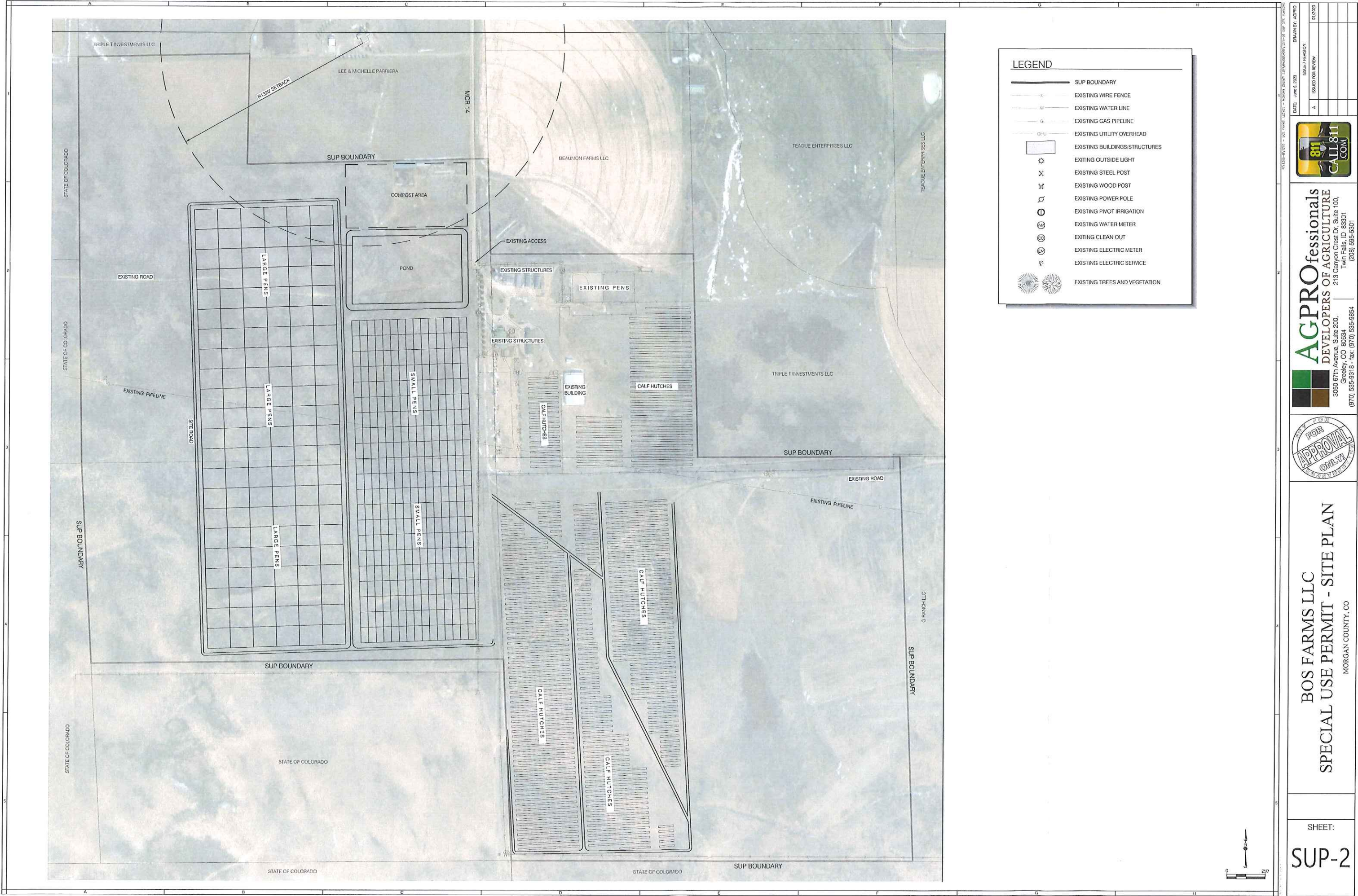


BOS FARMS LLC
SPECIAL USE PERMIT - COVER SHEET
MORGAN COUNTY, CO

SHEET:

SUP-1

SPECIAL USE PERMIT - COVER SHEET



- LEGEND**
- SUP BOUNDARY
 - EXISTING WIRE FENCE
 - EXISTING WATER LINE
 - EXISTING GAS PIPELINE
 - EXISTING UTILITY OVERHEAD
 - EXISTING BUILDINGS/STRUCTURES
 - EXISTING OUTSIDE LIGHT
 - EXISTING STEEL POST
 - EXISTING WOOD POST
 - EXISTING POWER POLE
 - EXISTING PIVOT IRRIGATION
 - EXISTING WATER METER
 - EXISTING CLEAN OUT
 - EXISTING ELECTRIC METER
 - EXISTING ELECTRIC SERVICE
 - EXISTING TREES AND VEGETATION

DATE: APRIL 6, 2023

ISSUE / PERSON

ISSUED FOR REVIEW

A

07/2023



AGPROprofessionals
DEVELOPERS OF AGRICULTURE
213 Canyon Crest Dr, Suite 100,
Twin Falls, ID 83301
(208) 595-5301



FOR APPROVAL ONLY

BOS FARMS LLC

SPECIAL USE PERMIT - SITE PLAN

MORGAN COUNTY, CO

SHEET:

SUP-2

PROOF OF OWNERSHIP

Current Title Insurance Commitment

Any deeds or additional ownership documentation



Ownership

Morgan County SUP Application

Prepared for

Bos Farms, LLC



Stewart Title Company
1275 58th Ave, Unit C
Greeley, CO 80634
(970) 356-5573
Fax:

Date: April 21, 2023
File Number: 1998089-IO
Property Address: 14240 Road 14, Fort Morgan, CO 80701
0 Vacant Land, Fort Morgan, CO 80701
0 Vacant Land, Fort Morgan, CO 80701
0 Vacant Land, Fort Morgan, CO 80701
Buyer/Borrower: Bos Farms, LLC

Please direct all Closing inquiries to:

Beth Aksamitowski
Phone:
Fax:
Email Address: greeleyasslst@stewart.com

WIRED FUNDS ARE REQUIRED ON ALL CASH PURCHASE TRANSACTIONS. PLEASE FEEL FREE TO CONTACT THE ESCROW OFFICE AS NOTED ABOVE.

We Appreciate Your Business and Look Forward to Serving You in the Future.



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 EXTRACTIONAL 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

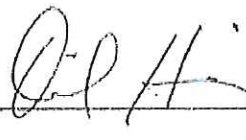
Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, STEWART TITLE GUARANTY COMPANY, a Texas corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective 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.


Authorized Countersignature
Stewart Title Company
1275 58th Ave, Unit C
Greeley, CO 80634




Frederick H. Eppinger
President and CEO


David Hisoy
Secretary

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ALTA Commitment for Title Insurance (07-01-2021)

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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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ALTA Commitment for Title Insurance (07-01-2021)

Page 2 of 4



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.

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.

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ALTA Commitment for Title Insurance (07-01-2021)

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10. CLASS ACTION

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

11. ARBITRATION

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

STEWART TITLE GUARANTY COMPANY

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, Houston, Texas 77252-2029.

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ALTA Commitment for Title Insurance (07-01-2021)

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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:	Stewart Title Company
Issuing Office:	1275 58th Ave, Unit C, Greeley, CO 80634
Issuing Office's ALTA® Registry ID:	
Loan ID Number:	
Commitment Number:	1998089-IO
Issuing Office File Number:	1998089-IO
Property Address:	14240 Road 14, Fort Morgan, CO 80701 0 Vacant Land, Fort Morgan, CO 80701 0 Vacant Land, Fort Morgan, CO 80701 0 Vacant Land, Fort Morgan, CO 80701

Revision Number:

1. **Commitment Date:** April 17, 2023 at 8:00AM

2. **Policy to be issued:** **Proposed Amount of Insurance**

(a) 2021 ALTA® Owner's Policy - Standard
Proposed Insured: Bos Farms, LLC

(b) 2021 ALTA® Loan Policy - Standard
Proposed Insured:

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

FEE SIMPLE

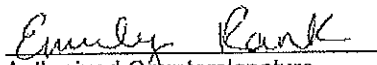
4. **The Title is, at the Commitment Date, vested in:**

BOS Farms, LLC

5. **The Land is described as follows:**

See Exhibit "A" Attached Hereto

STEWART TITLE GUARANTY COMPANY


Authorized Countersignature

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File No.: 1998089-IO

ALTA Commitment for Title Insurance Schedule A (07-01-2021)

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ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)
EXHIBIT "A"
LEGAL DESCRIPTION

ISSUED BY
STEWART TITLE GUARANTY COMPANY

File No.: 1998089-IO

Parcel I:

The N1/2NE1/4 of Section 29, Township 3 North, Range 58 West of the 6th P.M., County of Morgan, State of Colorado.

Parcel II:

The NW1/4 of Section 28, Township 3 North, Range 58 West of the 6th P.M., County of Morgan, State of Colorado.

Parcel III:

The SW1/4SW1/4 of Section 21, Township 3 North, Range 58 West of the 6th P.M., County of Morgan, State of Colorado.

Parcel IV:

The SE1/4 of Section 20, Township 3 North, Range 58 West of the 6th P.M., County of Morgan, State of Colorado, LESS AND EXCEPT That portion of the SE1/4 described in the following tract:

Being a part of E1/2 of Section 20, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado, being more particularly described as follows: Basis of bearings: Assuming the East line of the NE1/4 of Section 20, Township 3 North, Range 58 West as bearing N00°08'55"E between the NE Section corner stamped PLS 38044 and the E1/4 corner with an illegible 2 1/2" aluminum cap, and with all other bearings contained herein relative thereto: Commencing at the NE Section corner of Section 20, Township 3 North, Range 58 West of the 6th P.M.; thence along the East line of the NE1/4 of said Section 20, S00°08'55"W for a distance of 1999.55 feet to the point of beginning; thence departing the East line of the NE1/4 of said Section 20, S84°53'30"W for a distance of 65.25 feet; thence N85°38'58"W for a distance of 298.79 feet; thence along a curve to the Left having a radius of 169.91 feet for a distance of 53.26 feet, which chord bears N68°07'54"W with a chord distance of 53.05 feet; thence continuing along a curve to the Left having a radius of 349.68 feet for a distance of 130.04 feet, which the chord bears N73°59'51"W with a chord distance of 129.29 feet; thence continuing along a curve to the Left having a radius of 439.79 feet for a distance of 141.25 feet, which the chord bears S87 degrees 39'04"W with a chord distance of 140.64 feet; thence continuing along a curve to the Left having a radius of 109.33 feet for a distance of 123.19 feet, which the chord bears S48°25'33"W with a chord distance of 116.78 feet; thence S26°47'41"W for a distance of 118.66 feet; thence along a curve to the Right having a radius of 166.44 feet for a distance of 197.68 feet, which the chord bears S62°36'09"W with a chord distance of 186.26 feet; thence S63°42'17"W for a distance of 452.28 feet; thence S15°47'12"W for a distance of 179.78 feet; thence S02°44'20"W for a distance of 818.58 feet; thence N88°59'33"E for a distance of 1480.29 feet to a point on the East line of the SE1/4 of said Section 20; thence along the East line of the SE1/4 of said Section 20, N00°25'57"W a distance of 683.13 feet to the E1/4 corner of said Section 20; thence along the East line of the NE1/4 of said Section 20, N00°08'55"E a distance of 684.50 feet to the point of beginning.

For Informational Purposes Only: 14240 Road 14, Fort Morgan, CO 80701
0 Vacant Land, Fort Morgan, CO 80701
0 Vacant Land, Fort Morgan, CO 80701
0 Vacant Land, Fort Morgan, CO 80701

APN: 122721000016, R022500, 122720000008, R022497, 122729000004, R022184, 122728000005, R022299

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ALTA Commitment for Title Insurance Schedule A (07-01-2021)

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ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)
EXHIBIT "A"
LEGAL DESCRIPTION

ISSUED BY
STEWART TITLE GUARANTY COMPANY

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ALTA Commitment for Title Insurance Schedule A (07-01-2021)

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

SCHEDULE B PART I

ISSUED BY
STEWART TITLE GUARANTY COMPANY

File No.: 1998089-IO

Requirements

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.
5. Evidence satisfactory to Stewart Title Guaranty Company of payment of all outstanding taxes and assessments as certified by the County Treasurer.
6. Execution of Affidavit as to Debts and Liens and its return to Stewart Title Guaranty Company.

NOTE: If work has been performed on, or in connection with, the subject property (architectural drawings, soils testing, foundation work, installation of materials), please notify the Company's escrow officer within 10 days of receipt of this title commitment.

7. Payment of any and all Homeowners assessments and expenses which may be assessed to the property.

NOTE: If improvements have been made on, or in connection with, the subject property, please notify the Company's escrow officer within 10 days of receipt of this title commitment.

NOTE: This product is for informational purposes only. It is not a title insurance product and does not provide any form of coverage. This product is not a guarantee or assurance and does not warrant, or otherwise insure any condition, fact or circumstance. This product does not obligate this Company to issue any policies of title insurance for any subsequent transaction based on the information provided or involving the property described herein. This Company's sole liability for any error(s) relating to this product is limited to the amount that was paid for this product.

8. FOR INFORMATIONAL PURPOSES ONLY:

24-month Chain of Title: The only conveyance(s) affecting said land recorded within the 24 months preceding the date of this commitment is (are) as follows:

Deed recorded June 9, 2022 as [Reception No. 941125](#).

NOTE: If no conveyances were found in that 24 month period, the last recorded conveyance is reported. If the subject land is a lot in a subdivision plat less than 24 months old, only the conveyances subsequent to the plat are reported.

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ALTA Commitment for Title Insurance Schedule BI (07-01-2021)

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

ISSUED BY
STEWART TITLE GUARANTY COMPANY

File No.: 1998089-IO

Exceptions

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

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

1. 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. Rights or claims of parties in possession, not shown by the public records.
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 heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) 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) or (c) are shown by the Public Records or listed in Schedule B.
7. Water rights, claims or title to water.
8. Any and all unpaid taxes and assessments and any unredeemed tax sales.
9. Reservations contained in United States Patent dated February 7, 1985 and filed in [Book 570 at Page 252](#).
10. Reservations contained in United States Patent dated July 18, 1907 and filed in [Book 642 at Page 310](#).
11. Reservations contained in United States Patent dated May 23 1906 and filed in [Book 1440 at Page 320](#).
12. Reservations contained in United States Patent dated June 22, 1911 and filed as Patent No. [210762](#).
13. Reservations contained in Warranty Deed from Illinois Bankers Life Assurance Company to Frank H. Dahm recorded September 12, 1944 as [Reception No. 311732](#).

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ALTA Commitment for Title Insurance Schedule BII (07-01-2021)

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

ISSUED BY
STEWART TITLE GUARANTY COMPANY

14. Mineral Deed from Illinois Bankers Life Assurance Company to Central Standard Life Insurance Company recorded February 1, 1952 as [Reception No. 375384](#).
15. Royalty Deed from Ewald F. Schmidt and Sophie M. Schmidt to Louis Schmidt recorded February 20, 1954 as [Reception No. 394987](#).
16. Royalty Deed from Ewald F. Schmidt and Sophie M. Schmidt to Helen Tormohlen and Russell Tormohlen recorded February 20, 1954 as [Reception No. 394988](#).
17. Mineral Deed from Central Standard Life Insurance Company to New Era Royalties Co. recorded May 25, 1955 as [Reception No. 411338](#).
18. Mineral Deed from Frank H. Dahm to Quentin Mitchell recorded September 27, 1956 as [Reception No. 427503](#).
19. Mineral Deed from Quentin Mitchell to Harry P. Carten, et al, recorded December 21, 1956 as [Reception No. 429729](#).
20. Quit Claim Deed (Mineral interest) from J. Howard Culver to J. Joward Culver and Phyllis B. Culver recorded March 23, 1959 as [Reception No. 454831](#).
21. Quit Claim Deed (Mineral interest) from Harry P. Carten to Harry P. Carten and Camille R. Carten recorded March 23, 1959 as [Reception No. 454832](#).
22. Quit Claim Deed (Mineral interest) from G.W. Reed to Gerald W. Reed and Margaret B. Reed recorded March 23, 1959 as [Reception No. 454836](#).
23. Last Will and Testament of Percy H. Halbritter, aka P.H. Halbritter, deceased, (Mineral owner) recorded September 1, 1959 as [Reception No. 460376](#).
24. Conveyance of Oil, Gas and Other Interests from New ERA Royalties Co. to Livingston Oil Company recorded March 12, 1965 as [Reception No. 523437](#).
25. Reservations contained in Deed from Ewald F. Schmidt and Sophie M. Schmidt to Cooper Land Company recorded April 1, 1966 as [Reception No. 534881](#).
26. Deed and Assignment (Mineral interest) from the Estate of Quentin Mitchell, deceased, to Quentin Oil Associates, recorded April 6, 1971 as [Reception No. 564772](#).
27. Deed and Assignment (Mineral interest) from the Estate of Quentin Mitchell, deceased, to Quentin Oil Associates re-recorded August 9, 1972 as [Reception No. 574353](#).
28. Quit Claim Deed (Mineral interest) from Amanta M. Cunningham and Fenner N. Cunningham to Eva L. Ambrose and W.E. Ambrose recorded April 15, 1975 as [Reception No. 594209](#).
29. Reservations contained in Warranty Deed from Emma C. Dahm, et al, to Daniel L. Neb and Kathleen R. Neb recorded May 9, 1975 as [Reception No. 594766](#).

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ALTA Commitment for Title Insurance Schedule BII (07-01-2021)

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

ISSUED BY
STEWART TITLE GUARANTY COMPANY

30. Quit Claim Deed (Mineral interest) from Gerald W. Reed, aka G.W. Reed and Margaret B. Reed to Gordon K. Lepage and Theresa D. Lepage recorded October 6, 1976 as [Reception No. 607211](#).
31. Quit Claim Deed (Mineral interest) from Vernon Barrett, et al, to Kathleen Clark Doheny McCoy and Patrick Anson Doheny, Jr., recorded December 11, 1980 as [Reception No. 647005](#).
32. Personal Representative's Deed (Mineral Interest) from the estate of Emma C. Dahm, deceased, to Norman F. Dahm and Leroy A. Dahm, recorded February 10, 1981 as [Reception No. 648775](#).
33. Correction Personal Representative's Deed (Mineral Interest) from the estate of Emma C. Dahm, deceased, to Norman F. Dahm and Leroy A. Dahm, recorded February 18, 1981 as [Reception No. 648980](#).
34. Reservations contained in Warranty Deed from Cooper Land Company to J.N. Thompson Farms, Inc. recorded October 21, 1983 as [Reception No. 675779](#).
35. Personal Representative's Deed (Mineral interest) from the Estate of Harry P. Carten, deceased, to Lawrence S. Gray, Jr., as Trustee under the Will of Harry P. Carten, deceased, recorded November 29, 1985 as [Reception No. 693877](#).
36. Mineral Deed from J.Howard Culver and Phyllis B. Culver to Bits & Pieces, a partnership, recorded March 21, 1986 as [Reception No. 695793](#).
37. Mineral Deed from William LeBrun Beamer to Bits & Pieces, a partnership, recorded December 31, 1992 as [Reception No. 733947](#).
38. General Conveyance from AMAX Oil and Gas Inc. to Universal Resources Corporation recorded April 20, 1994 as [Reception No. 741778](#).
39. Name Change from Universal Resources Corporation to Questar Exploration and Production Company recorded May 11, 1999 as [Reception No. 777845](#) and Name Change from Questar Exploration and Production Company to QEP Energy Company recorded June 21, 2010 as [Reception No. 862061](#).
40. Assignment, Conveyance and Bill of Sale from New Era Royalties Co. to Davis Bros., LLC recorded May 20, 1994 as [Reception No. 742339](#).
41. Right of Way Agreement from Boggs Feedlot, Inc. to Western Operating Co. recorded May 29, 1996 as [Reception No. 755404](#).
42. Mineral Deed from Gordon K. LaPage and Theresa D. Golob formerly Theresa D. LaPage to Bits & Pieces recorded July 12, 1999 as [Reception No. 779190](#).
43. Mineral Deed from Camille Chappell Kalkavan Jorgensen (reserving a life estate) to the Patrick A. Doheny Living Trust recorded June 25, 2001 as [Reception No. 792858](#).
44. Mineral Deed from the Estate of Rose F. Hauerwaas, formerly Rose F. Halbriter, deceased, to Sally H. Peterson, et al, recorded January 21, 2002 as [Reception No. 797231](#).

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.

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File No.: 1998089-IO

ALTA Commitment for Title Insurance Schedule BII (07-01-2021)

Page 7 of 9



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

ISSUED BY
STEWART TITLE GUARANTY COMPANY

45. Oil, Gas and Mineral Deed from Ambrose Ranches, LLLP to Heritage Oil Company recorded July 9, 2007 as [Reception No. 843802](#).
46. Determination of Heirs or Devisees or Both, and of the Interests in the Property of Sophie M. Schmidt, deceased, recorded August 16, 2007 as [Reception No. 844579](#).
47. Oil and Gas Lease from Minda L. Witt, et al, to Mason Dixon Energy, LLC recorded August 8, 2011 as [Reception No. 870315](#).
48. Memorandum of Oil and Gas Lease from Teague Ranch Company to Mason Dixon Energy, LLC recorded October 14, 2011 as [Reception No. 871736](#).
49. Memorandum of Oil and Gas Lease from Heritage Oil Company to Mason Dixon Energy, LLC recorded October 14, 2011 as [Reception No. 871738](#).
50. Mineral Deed from Cooper Land Company to Anne J. Wyman recorded February 27, 2012 as [Reception No. 874221](#).
51. Memorandum of Oil and Gas Lease from Teague Ranch Company to Mason Dixon Energy, LLC recorded March 22, 2012 as [Reception No. 874707](#).
52. Memorandum of Oil and Gas Lease from Heritage Oil Company to Mason Dixon Energy, LLC recorded March 22, 2012 as [Reception No. 874710](#).
53. Memorandum of Oil and Gas Lease from Heritage Oil Company to Mason Dixon Energy, LLC recorded April, 2, 2012 as [Reception No. 874909](#).
54. Memorandum of Oil and Gas Lease from Teague Ranch Company LLC, to Mason Dixon Energy, LLC recorded April 2, 2012 as [Reception No. 874911](#).
55. Oil and Gas Lease from Helen M. Tormohlen, et al, to Mason Dixon Energy, LLC recorded May 15, 2012 as [Reception No. 875737](#).
56. Oil and Gas Lease from Allan R. Tormohlen and Terri L. Tormohlen to Mason Dixon Energy, LLC recorded May 15, 2012 as [Reception No. 875740](#).
57. Deed of Trust from Teague Ranch Company to the Public Trustee of Morgan County, in favor of Farm Credit of Southern Colorado, securing the sum of \$650,000.00 recorded July 19, 2012 as [Reception No. 876940](#).
58. Deed of Trust from Teague Ranch Company to the Public Trustee of Morgan County, in favor of Farm Credit of Southern Colorado, securing the sum of \$2,410,000.00 recorded October 24, 2014 as [Reception No. 890249](#).
59. Pipeline Easement and Right of Way Grant from Teague Ranch Company to Blue Grama Land Corporation recorded October 26, 2015 as [Reception No. 896364](#).
60. Pipeline Easement and Right of Way Grant from Teague Ranch Company LLC to Blue Grama Land Corporation recorded October 26, 2015 as [Reception No. 896365](#).

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File No.: 1998089-10

ALTA Commitment for Title Insurance Schedule BII (07-01-2021)

Page 8 of 9



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

ISSUED BY
STEWART TITLE GUARANTY COMPANY

61. Quit Claim Mineral Deed from the Patrick A. Doheny Living Trust to PADCO, LLC recorded November 23, 2015 as [Reception No. 896871.](#)
62. Conveyance and Assignment from Davis Bros., LLC to Davis Mineral Group, LLC recorded November 27, 2017 as [Reception No. 909079.](#)
63. Mineral Deed and Assignment of Interest in Wells from QEP Energy Company to Blue Spruce Minerals, LLC recorded December 28, 2018 as [Reception No. 916063.](#)
64. Access Easement recorded June 9, 2022 as [Reception No. 941122.](#)
65. Reservations contained in Warranty Deed from Triple T. Investments, LLC to BOS Farms, LLC recorded June 9, 2022 as [Reception No. 941125.](#)
66. All matters shown on the ALTA/NSPS Land Title Survey recorded January 25, 2023 as [Reception No. 1602123.](#)

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.

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File No.: 1998089-IO

ALTA Commitment for Title Insurance Schedule BII (07-01-2021)

Page 9 of 9



DISCLOSURES

File No.: 1998089-IO

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

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

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

Note: Colorado Division of Insurance Regulations 8-1-2, Section 5, Paragraph M requires that every title entity shall notify in writing that

Affirmative Mechanic's Lien Protection for the Owner may be available (typically by deletion of Exception No. 5 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

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

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

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

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

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

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

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

UTILITIES / ACCESS

Septic

Water

Electric



Access

Morgan County SUP Application

Prepared for

Bos Farms, LLC

EXHIBIT "A"

30' ACCESS EASEMENT:

BEING A PART OF THE EAST 1/2 OF SECTION 20 AND THE WEST 1/2 OF SECTION 21 OF TOWNSHIP 3 NORTH, RANGE 58 WEST OF THE 6TH P.M., COUNTY OF MORGAN, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BASIS OF BEARING: ASSUMING THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 58 WEST AS BEARING SOUTH 00°08'55" WEST BETWEEN THE NORTHEAST SECTION CORNER STAMPED PLS 38044 AND THE EAST QUARTER CORNER WITH AN ILLEGIBLE CAP, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTHEAST SECTION CORNER OF SECTION 20, TOWNSHIP 3 NORTH, RANGE 58 WEST OF THE 6TH P.M. AND FOLLOWING THE CENTERLINE OF A 30' EASEMENT BEING 15' ON EACH SIDE OF THE CENTERLINE OF THE EXISTING ROAD AS FOLLOWS;

THENCE ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 20, SOUTH 00°08'55" WEST A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF COUNTY ROAD P;

THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF COUNTY ROAD P, NORTH 90°00'00" WEST A DISTANCE OF 1.88 FEET TO A POINT ON THE CENTERLINE OF AN EXISTING ROADWAY AND ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 00°06'18" EAST FOR A DISTANCE OF 1779.42 FEET;

THENCE SOUTH 00°26'56" WEST A DISTANCE OF 555.40 FEET;

THENCE SOUTH 00°04'17" EAST A DISTANCE OF 593.26 FEET;

THENCE SOUTH 00°49'43" EAST A DISTANCE OF 432.73 FEET;

THENCE SOUTH 00°19'33" EAST A DISTANCE OF 556.44 FEET;

THENCE SOUTH 02°00'05" EAST A DISTANCE OF 69.31 FEET;

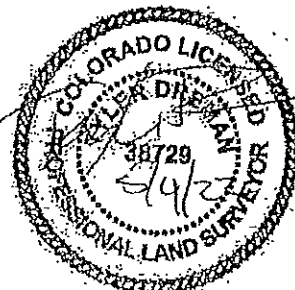
THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 64.04 FEET FOR A DISTANCE OF 33.56 FEET, WHICH THE CHORD BEARS SOUTH 19°59'22" EAST WITH A CHORD DISTANCE OF 33.18 FEET TO THE POINT OF TERMINUS AND ALSO TO A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21.



TYLER S. EREMIAN

FOR AND ON THE BEHALF OF
AGPROFESSIONALS
3050 67TH AVE. SUITE 200
GRBELEY, CO 80634

5/4/22
DATE



Retwnto: ACT

NORTHEAST SECTION CORNER
SECTION 20, TOWNSHIP 3 NORTH,
RANGE 58 WEST OF THE 6TH P.M.
FOUND A #6 REBAR OF UNKNOWN
LENGTH WITH A MOSTLY LEGIBLE 2 1/2"
ALUMINUM CAP STAMPED PLS 38044.

SOUTHERLY LINE OF COUNTY
ROAD P RIGHT-OF-WAY

EXHIBIT B

30' ACCESS EASEMENT

P.O.B.

(BASIS OF BEARING)
S 00°08'55" W, 2894.05'
S 00°06'18" E, 1779.42'

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S00°08'55"W	30.00
L2	N90°00'00"W	1.88

S 00°26'56" W, 655.40'

EAST QUARTER CORNER SECTION 20,
TOWNSHIP 3 NORTH, RANGE 58 WEST
OF THE 6TH P.M. FOUND A #6 REBAR
OF UNKNOWN LENGTH WITH A MOSTLY
ILLEGIBLE 2 1/2" ALUMINUM CAP.

S 00°04'17" E, 593.26'

S 00°49'43" E, 432.73'

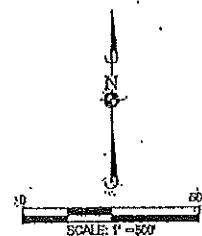
S 00°19'33" E, 556.44'

$\Delta=30^{\circ}01'23"$
 $R=64.04'$
 $L=33.56'$
 $ChB=S19^{\circ}59'22"E$
 $ChL=33.18'$

S 02°00'05" E, 69.31'

P.O.T.

SW4 OF THE SW4 OF SECTION 21



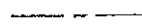
LEGEND



FOUND SECTION
CORNER AS NOTED



FOUND ONE-QUARTER
CORNER AS NOTED



SECTION LINE



EASEMENT LINE



RIGHT-OF-WAY LINE



EDGE OF ROAD



AGPROprofessionals
DEVELOPERS OF AGRICULTURE

3050 67th Avenue, Suite 200, Greeley, CO 80634
(970) 535-9318 • fax: (970) 535-9854

ACCESS EASEMENT

SECTIONS 20 & 21, TOWNSHIP 3 NORTH, RANGE 58 WEST
OF THE 6TH P.M., MORGAN COUNTY, CO

DATE
05-04-2022

JOB NO.
2801-05



Utility Statement

Morgan County SUP Application

Prepared for

Bos Farms, LLC

Open Records Request Form

Submit to:
NCHD Custodian of Records
700 Columbine St.
Sterling, CO 80751
Fax: 970 522-1412
Phone: 970 522-3741 x1257



REQUEST INFORMATION: Please print or type the following information as neatly as possible:

Name of Requesting Party: Hannah Dulrow Date of Request: 02/06/2023

Organization: AGPROfessionals

Address: 3050 67th Avenue Suite 200, Greeley, CO 80634 Phone number: 970-535-9318

Request (please be as specific as possible): Requesting copies of septic permits for Bod Farms, LLC

Parcel no. 122720000003, 122720000004, 122721000016, and 122728000005

Additional Information is required for the items listed below:

<u>WATER</u>	<u>OWS/SEPTIC</u>	<u>Food Service</u>
Water supply address: _____	Current owners: <u>Bos Farms LLC</u>	Facility Name: _____
Approximate date sample(s) taken: _____	Previous owners: <u>Triple T Investments LLC</u>	Facility Address: _____
Person/Agency submitting sample: _____	Street address of system: <u>14240 Road 14</u>	
	<u>Fort Morgan, CO 80701</u>	
	Legal Description Range: <u>58 W</u>	
	Township: <u>3 N</u> Section: <u>20, 21, 28, 29</u>	*SEE ATTACHED PROPERTY DESCRIPTIONS

DELIVERY PREFERENCE: Mark all that apply, e-mail is preferred to keep costs minimal.

☐ Photocopy* ☐ CD/DVD* ☒ E-mail (address hdulrow@agpros.com)
☐ U.S. Mail* ☐ Other: _____

Pursuant to NCHD's Open Records Request Policy, NCHD will notify you if your request is not specific enough, or if any additional releases are required for the information requested. Fees for records vary depending on the method of delivery and the time involved, all of which is outlined in NCHD's Open Records Request Policy, available online at www.nchd.org, or in any NCHD office. NCHD will provide a cost estimate for copy charges and data compilation fees upon request, and at the sole and exclusive discretion of NCHD, may require you to pay all or a portion of said charges and fees in advance, prior to compiling the information. NCHD will hold the delivery of any requested documents from a requesting party who has failed to pay fees and charges from a previous request, until such time said fees and charges have been paid.

*Fee applicable, see NCHD's Open Records Request Policy for details.

Health Department Use Only

Date Request Received 2/6/23 Date Request Forwarded _____ Date Request Delivered 2/6/23

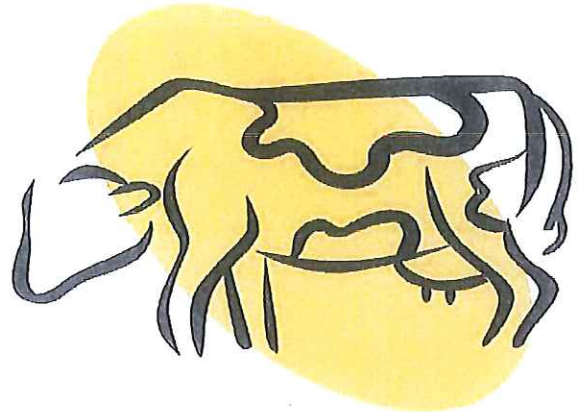
☐ Records Found ☒ No Records Found

Comments: _____

Description of Fees (if any): _____

Signature: JG TOTAL \$ N/A

Q RANCH, LLC
7999 MCR Q Wiggins, CO 80654



To Whom it may concern

April 19, 2023

Re: Bos Farms LLC application for Special Use Permit (Morgan County)

In support of the permit we would like to Confirm the following:

- Q Ranch, LLC has certain Agricultural Water Agreements/Contracts/Rights in place with the BIJOU AGRICULTURAL WATER ACTIVITY ENTERPRISE that are more than adequate to cover its expected needs now & for any future expansion of its operations.
- Q Ranch, LLC has the right to assign a portion of certain of its Agricultural Water to related parties subject to certain conditions.
 - The Bos Farm LLC Special Permit meets the criteria to do so.
 - Specifically they are both a related party & their proposed Special Use Permit relates to a directly adjacent property.
- Q Ranch, LLC has agreed assign up to a maximum of 125 Acre feet to Bos Farms LLC and an annual basis subject to Morgan County's approval of Bos Farms LLC Special Use Permit.

Should you have any additional questions please feel free to Contact

Sincerely,

Tony T. Bos
Member – Manager

%T & M Limited Partnership
9451 N. State Road 10
DeMotte, IN 46310-8830
Tel 219-987-7808
Fax 219-987-8282

MC

MORGAN COUNTY REA PO Box 738
Fort Morgan, CO 80701

INVOICE: 45986

Invoice Date: 07/13/2022
Terms: OA NET
Due Date: 08/12/2022
Amount Due: \$ 19,300.00

PO 7/18/22
#20370

BOS FARMS LLC
20397 ROAD 152
TULARE CA 93274-9568

Account: 6269	Description: WO# 2022-264 - BOS FARMS, LLC - NEW SERVICE TO SHOP - MORGAN COUNTY -				Page 1 of 2
LOCATION 358-21-58					
DESCRIPTION		QUANTITY	UOM	UNIT PRICE	AMOUNT TAX
CATALOG ITEM: CIAC		1.000	EA	3,400.0000	3,400.00
TAKE-OFF POLE					
CATALOG ITEM: CIAC		1.000	EA	3,100.0000	3,100.00
INLINE POLE					
CATALOG ITEM: CIAC		1.000	EA	3,400.0000	3,400.00
DEAD END POLE					
CATALOG ITEM: CIAC		1.000	EA	800.0000	800.00
METER POLE					
CATALOG ITEM: CIAC		3.000	EA	2,000.0000	6,000.00
25 KVA TRANSFORMERS					
CATALOG ITEM: CIAC		1.000	EA	1,400.0000	1,400.00
METER LOOP					
CATALOG ITEM: CIAC		1.000	EA	1,200.0000	1,200.00
TRANSFORMER FRAMING					

Morgan County Rural Electric Association

Fort Morgan, Colorado 80701

Right of Way Easement

WO # 2022-264

KNOW ALL MEN BY THESE PRESENTS, that the undersigned GRANTOR does hereby grant and convey unto MORGAN COUNTY RURAL ELECTRIC ASSOCIATION, a corporation, 734 Barlow Road, Fort Morgan, Colorado, 80701, and its successors or assigns, the right to enter upon the following described lands situated in the County of MORGAN, State of Colorado and more particularly described as follows:

THE SW 1/4 of the SW 1/4 of Section 21, Township 3 N, Range 58 W, County of MORGAN, CO

INSTALL NEW THREE-PHASE OVERHEAD SERVICE TO NEW SHOP COUNTY ROAD 14

and to place, construct, use, operate, repair, rebuild, enlarge, maintain, and replace therein and thereon its electric overhead and/or underground distribution lines and to cut and trim, and control by chemical means, trees and shrubbery to the extent necessary to keep them clear of said electric and communications lines or systems and to cut down from time to time all dead, weak, leaning or dangerous trees that are tall enough to strike the wires in falling.

The undersigned agrees that all poles, wires and other facilities, including any main service entrance equipment, installed on the above described lands shall remain the property of the Cooperative, removable at the option of the Cooperative.

This easement shall be a covenant running with the above described land and shall be binding on the heirs, legal representatives and assigns of the respective parties. Should the above property be transferred, it shall be binding upon the new owner, or owners, shall assume the burden and responsibility of this easement.

The undersigned covenants that the above described lands are owned by the Grantor and that said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons, firms or corporations:

and the undersigned Grantor has the lawful authority to grant this easement, and agrees to defend against, indemnify and hold harmless Morgan County Rural Electric Association in any claim for foreclosure, damages or injunction or otherwise by anyone claiming by through or under Grantor and resulting from an entry by Morgan County Rural Electric Association upon and use of the above described lands in connection with and pursuant to the authority granted by this Easement.

IN WITNESS WHEREOF the undersigned Grantor has executed this Easement as of the 13th day of

July, 20 22.

[Signature]
Signature

PRINT NAME

(Imprint corporate seal here)

STATE OF COLORADO)
COUNTY OF _____) ss.

The foregoing Instrument was acknowledged before me this _____ day of _____, 20____.

By: _____

Witness my hand and official seal.

My Commission expires:

See Attached

Notary Public

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Tulare

On July 13, 2022 before me, Debbie Montoya, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Rick A. Bos
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

[Signature]

Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer -- Title(s): _____

☐ Partner -- ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer -- Title(s): _____

☐ Partner -- ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

AUTHORIZATION

1. The undersigned member ("Member") of Morgan County Rural Electric Association ("MCREA") has requested that MCREA perform certain activities related to electrical service upon Member's property for the benefit of the Member.
2. The Member hereby authorizes MCREA or its agents to perform the activities necessary in order to complete the contemplated work.
3. The Member expressly acknowledges and agrees that Member is in the best position to determine whether any seen or unseen conditions exist on the property that may be damaged, interfered with, or affected as the result of the contemplated work. Therefore, the Member has notified MCREA of any conditions on the property, both seen ("patent") and unseen ("latent"), which may be damaged, interfered with, or be affected by the contemplated work. The Member has specifically advised MCREA of the following conditions which MCREA shall take reasonable care to avoid causing damage to:

Example's below

Know water lines locations

Know sewer system location

Know consumer electric location

Irrigation water lines and electric location

4. MCREA agrees to take reasonable steps to ensure that no damages result to the above-disclosed conditions as the direct result of MCREA's activities upon the Member's property.
5. Member agrees that MCREA shall not be responsible for damages caused by MCREA to any latent conditions upon member's property which are not specifically and expressly identified herein, which damages are not the result of gross negligence or intentional misconduct on the part of MCREA. Member warrants that Member has disclosed all unseen conditions which may be affected by the contemplated activities upon the Member's property.

Member:

Bos Farms, LLC

MCREA:

Signature

[Signature] - Bos Farms, LLC

DATE

7/13/22

Location Description The SW 1/4 of the SW 1/4 of
SECTION 21, TOWNSHIP 3N, RANGE 58W
Location install New three-phase overhead
power line for new service to shop
WORK ORDER 2022-264

TECHNICAL

Tax Account Statement

Application Fee Receipt

Morgan County Treasurer

Statement of Taxes Due

Account Number R022500

Parcel 122721000016

Assessed To

BOS FARMS LLC
20397 RD 152
TULARE, CA 93274

Legal Description

S: 20 T: 3 R: 58 SW1/4SW1/4 & PARC W1/2 S: 21 T: 3 R: 58 PARC E1/2 (897583)

Situs Address

14240 RD 14

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2022	\$10,032.00	\$0.00	\$0.00	(\$10,032.00)	\$0.00
Total Tax Charge					\$0.00
Grand Total Due as of 06/06/2023					\$0.00

Tax Billed at 2022 Rates for Tax Area 248 - 248 - RE 3

Authority	Mill Levy	Amount	Values	Actual	Assessed
COUNTY GENERAL FUND	19.4830000	\$2,682.23	SPRINKLER	\$3,890	\$1,030
ROAD AND BRIDGE FUND	7.5000000	\$1,032.52	IRRIGATED LAND		
SOCIAL SERVICES FUND	2.0000000	\$275.34	GRAZING LAND	\$1,210	\$320
FT MORGAN RURAL FIRE DIST	3.0330000	\$417.55	FARM/RANCH	\$516,380	\$136,320
FT MORGAN PEST CONTROL	0.2990000	\$41.16	SUPPORT IMPS		
LOWER S PLATTE WATER CD	1.0000000	\$137.67	Total	\$521,480	\$137,670
MORGAN CO QUALITY WATER	0.8240000	\$113.44			
NORTHERN COLO WATER CD	1.0000000	\$137.67			
RE 3 F M GENERAL FD	27.0840000	\$3,728.65			
RE 3 F M M/L OVRD	1.7730000	\$244.09			
RE 3 F M BOND RED	8.8740000	\$1,221.68			
Taxes Billed 2022	72.8700000	\$10,032.00			

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

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

ROBERT A SAGEL, MORGAN COUNTY TREASURER

231 Ensign St, PO Box 593, Fort Morgan, CO 80701

Phone: 970-542-3518, Fax: 970-542-3520, Email: esale@co.morgan.co.us

Website: morgancounty.colorado.gov

Morgan County Treasurer

Statement of Taxes Due

Account Number R022184

Assessed To

Parcel 122729000004

BOS FARMS LLC
20397 RD 152
TULARE, CA 93274

Legal Description

S: 29 T: 3 R: 58 N1/2NE1/4

Situs Address

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2022	\$50.04	\$0.00	\$0.00	(\$50.04)	\$0.00
Total Tax Charge					\$0.00
Grand Total Due as of 06/06/2023					\$0.00

Tax Billed at 2022 Rates for Tax Area 227 - 227 - RE 3

Authority	Mill Levy	Amount	Values	Actual	Assessed
COUNTY GENERAL FUND	19.4830000	\$14.61	GRAZING LAND	\$2,850	\$750
ROAD AND BRIDGE FUND	7.5000000	\$5.63	Total	\$2,850	\$750
SOCIAL SERVICES FUND	2.0000000	\$1.50			
RE 3 F M GENERAL FD	27.0840000	\$20.31			
RE 3 F M M/L OVRD	1.7730000	\$1.33			
RE 3 F M BOND RED	8.8740000	\$6.66			
Taxes Billed 2022	66.7140000	\$50.04			

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ROBERT A SAGEL, MORGAN COUNTY TREASURER

231 Ensign St, PO Box 593, Fort Morgan, CO 80701

Phone: 970-542-3518, Fax: 970-542-3520, Email: esale@co.morgan.co.us

Website: morgancounty.colorado.gov

Morgan County Treasurer

Statement of Taxes Due

Account Number R022299
Assessed To

Parcel 122728000005
BOS FARMS LLC
20397 RD 152
TULARE, CA 93274

Legal Description

Situs Address

S: 28 T: 3 R: 58 NW1/4

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2022	\$107.36	\$0.00	\$0.00	(\$107.36)	\$0.00
Total Tax Charge					\$0.00
Grand Total Due as of 06/06/2023					\$0.00

Tax Billed at 2022 Rates for Tax Area 045 - 045 - RE 3

Authority	Mill Levy	Amount	Values	Actual	Assessed
COUNTY GENERAL FUND	19.4830000	\$29.22	GRAZING LAND	\$5,690	\$1,500
ROAD AND BRIDGE FUND	7.5000000	\$11.25	Total	\$5,690	\$1,500
SOCIAL SERVICES FUND	2.0000000	\$3.00			
FT MORGAN RURAL FIRE DIST	3.0330000	\$4.55			
MORGAN CO QUALITY WATER	0.8240000	\$1.24			
NORTHERN COLO WATER CD	1.0000000	\$1.50			
RE 3 F M GENERAL FD	27.0840000	\$40.63			
RE 3 F M M/L OVRD	1.7730000	\$2.66			
RE 3 F M BOND RED	8.8740000	\$13.31			
Taxes Billed 2022	71.5710000	\$107.36			

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

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ROBERT A SAGEL, MORGAN COUNTY TREASURER
231 Ensign St, PO Box 593, Fort Morgan, CO 80701
Phone: 970-542-3518, Fax: 970-542-3520, Email: esale@co.morgan.co.us
Website: morgancounty.colorado.gov

Morgan County Treasurer

Statement of Taxes Due

Account Number R022497

Assessed To

Parcel 122720000008

BOS FARMS LLC
20397 RD 152
TULARE, CA 93274

Legal Description

S: 20 T: 3 R: 58 SBL/4 EX 1602105

Situs Address

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2022	\$91.60	\$0.00	\$0.00	(\$91.60)	\$0.00
Total Tax Charge					\$0.00
Grand Total Due as of 06/06/2023					\$0.00

Tax Billed at 2022 Rates for Tax Area 245 - 245 - RE 3

Authority	Mill Levy	Amount	Values	Actual	Assessed
COUNTY GENERAL FUND	19.4830000	\$24.94	GRAZING LAND	\$4,820	\$1,270
ROAD AND BRIDGE FUND	7.5000000	\$9.60	FARM/RANCH	\$10	\$10
SOCIAL SERVICES FUND	2.0000000	\$2.56	WASTE LAND		
FT MORGAN RURAL FIRE DIST	3.0330000	\$3.88	Total	\$4,830	\$1,280
MORGAN CO QUALITY WATER	0.8240000	\$1.05			
NORTHERN COLO WATER CD	1.0000000	\$1.28			
RE 3 F M GENERAL FD	27.0840000	\$34.66			
RE 3 F M M/L OVRD	1.7730000	\$2.27			
RE 3 F M BOND RED	8.8740000	\$11.36			
Taxes Billed 2022	71.5710000	\$91.60			

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

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

ROBERT A SAGEL, MORGAN COUNTY TREASURER

231 Ensign St, PO Box 593, Fort Morgan, CO 80701

Phone: 970-542-3518, Fax: 970-542-3520, Email: esale@co.morgan.co.us

Website: morgancounty.colorado.gov

RECEIPT

Morgan County

231 Ensign, Fort Morgan, CO 80701

(970) 542-3526



ZV2023-0001 | Zoning Variance

Receipt Number: 543923

May 25, 2023

Payment Amount: \$500.00

Transaction Method

Credit Card

Payer

Hannah Dutrow

Cashier

Jenafer Santos

Reference Number

1306

Comments

Assessed Fee Items

Fee Items being paid by this payment

<i>Date</i>	<i>Fee Item</i>	<i>Account Code</i>	<i>Assessed</i>	<i>Amount Paid</i>	<i>Balance Due</i>
05/25/23	Variance - BOA		\$500.00	\$500.00	\$0.00
Totals:			\$500.00	\$500.00	
			Previous Payments		\$0.00
			Remaining Balance Due		\$0.00

Permit Info

Property Address

14240 RD 14
FORT MORGAN, CO 80701

Property Owner

BOS FARMS LLC

Property Owner Address

20397 RD 152
TULARE, CA 93274

Valuation

Description of Work

Landowner requests a waiver from 4-200 A to allow a livestock confinement facility be constructed within 1320 feet of an existing residence.

REFERRALS & RESPONSES

Referral Letter

Referral Responses

Landowner Letter

Landowner Letter Responses

Notifications

Public Comments or Concerns

Sign Posting Pictures & Affidavit



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

TO REFERRAL AGENCIES:

Bijou Ditch Company
CenturyLink
City of Fort Morgan
CDPHE/Thaine Kramer
CDOT
Division of Wildlife
Farm Service Agency- Morgan County
Kinder Morgan, Inc.
Morgan County Assessor
Morgan County Communications Center
Morgan County Emergency Mgmt.

Morgan County Quality Water
Morgan County Road & Bridge
Morgan County Rural Electric Assoc.
Morgan Soil Conservation District
Morgan County Fire District
Northeast Colorado Health Dept.
Northern Colorado Water Conservancy
Morgan County Sheriff Dept.
Town of Wiggins
Town of Brush
Xcel Energy

FROM: Cheryl Brindisi, Morgan County Planning & Zoning Technician
231 Ensign St, PO Box 596, Fort Morgan, CO 80701
970-542-3526 / 970-542-3509 fax / cbrindisi@co.morgan.co.us
DATE: May 24, 2023
RE: Variance – **see attached file**

The following Variance application will be heard by the Morgan County Board of Adjustments on **Tuesday, June 20, 2023 at 5:30 P.M.**

Applicants: Tim Naylor and Hannah Dutrow/AGPROfessionals

Landowners: Bos Farms, LLC

Legal Description: A part of the SE $\frac{1}{4}$ of Section 20, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, the NW $\frac{1}{4}$ of Section 28 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 29 all in Township 3 North, Range 58 West of the 6th PM, Morgan County, Colorado.

Request: Landowner and applicants have submitted an application to our office for a Variance to Section 3-650 Bulk Lot Requirements of the Morgan County Zoning Regulations, regarding 1,320 FT setbacks required from animal confinements facilities, slaughter houses, rendering plants and packing plant for residences without a SRU, except for residences on the same legal parcel as animal confinement facilities.

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado. Documents are also available on the Morgan County Website <https://morgancounty.colorado.gov>. Please offer any comments or concerns you may have about this application. Do not hesitate to contact me at any time if you have questions.

Sincerely, *Cheryl Brindisi*, Morgan County Planning and Zoning Administrative Assistant

You are encouraged to provide comments to this application by June 6, 2023 or attend the Board of Adjustments meeting on Tuesday, June 20, 2023. (See Map Attached)

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.

Morgan County Government • 231 Ensign • P.O. Box 596 • Fort Morgan, Co 80701 • (970) 542-3526
Fax (970) 542-3509 • Email: cbrindisi@co.morgan.co.us



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

May 25, 2023

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

Attn: Nicole Hay and Cheryl Brindisi

Re: Variance Application – Bos Farms, LLC

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the above-mentioned plan and has **no apparent conflict**.

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

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



Jenafer Santos <jsantos@co.morgan.co.us>

Variance Application

Jill Brownell <jill.brownell@bijouirrigation.com>

Thu, Jun 15, 2023 at 4:55 PM

To: Cheryl Brindisi <cbrindisi@co.morgan.co.us>

Cc: Nicole Hay <nhay@co.morgan.co.us>, Jenafer Santos <jsantos@co.morgan.co.us>, Liliana Lopez <llopez@co.morgan.co.us>

Hi Cheryl,

Bijou is concerned about the 1,320 FT setback being approved as we have a ditch that this would impact.

Thank you,

Jill Brownell

Bijou Irrigation

(970) 867-2222

jill.brownell@bijouirrigation.com

[Quoted text hidden]



**MORGAN COUNTY
PLANNING AND BUILDING DEPARTMENT**

May 24, 2023

Dear Neighboring Landowner:

AGPROfessionals, Tim Naylor and Hannah Dutrow, as applicant, and Bos Farms, LLC, as landowner, have submitted an Application to our office for a Variance to lift the current 1,320 ft. setback requirements from an animal confinement facility, slaughter house rendering plant and packing plant for residences without a SRU, except for residences on the same legal parcel as animal confinement facilities.

The subject parcel of land is located in a part of the SE $\frac{1}{4}$ of Section 20, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, the NW $\frac{1}{4}$ of Section 28 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 29, all in Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado.

This application will be heard by the Morgan County Board of Adjustments on **Tuesday, June 20, 2023 at 5:30 P.M.** This hearing will be held in the Assembly Room of the Morgan County Administration Building, 231 Ensign St., (Basement Level, elevator entrance) Fort Morgan, Colorado.

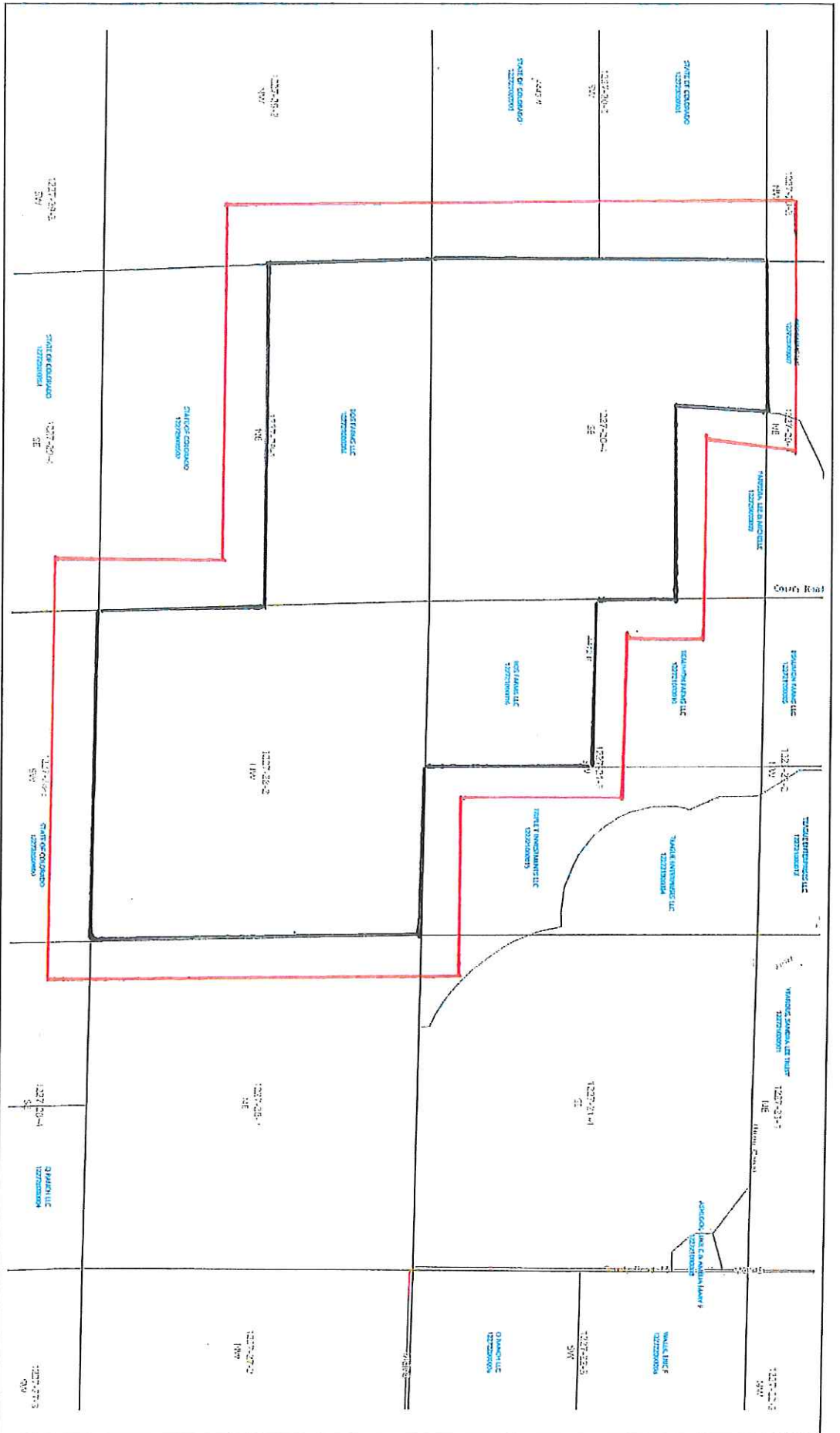
If you have any questions pertaining to this application or if you would like to review the file, either contact us at (970)542-3526 or stop by our office prior to the hearing. If you have any comments or concerns, plan to attend this hearing.

Sincerely,

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.

BOS Farms_ZV2023-0001



BOS FARMS LLC
20397 RD 152
TULARE, CA 93274

Q RANCH LLC
9451 N STATE RD 10
DEMOTTE, IN 46310

TEAGUE ENTERPRISES LLC
15366 CO RD 0
FORT MORGAN, CO 80701

BEAUMON FARMS LLC
4387 WINONA CT
DENVER, CO 80212

PARRIERA, LEE & MICHELLE
14505 RD 14
FORT MORGAN, CO 80701

TRIPLE T INVESTMENTS LLC
14505 CO RD 14
FORT MORGAN, CO 80701

STATE OF COLORADO
STATE BOARD OF LAND COMMISSIONERS
1127 SHERMAN ST - STE 300
DENVER, CO 80203

RETLAW IRREVOCABLE TRUST
P O BOX 954
GRANT, NE 69140

PARRIERA, LEE & MICHELLE
14505 RD 14
FORT MORGAN, CO 80701

STATE OF COLORADO
BOARD OF LAND COMMISSIONERS
1313 SHERMAN ST - RM 620
DENVER, CO 80203

**NOTICE OF PUBLIC HEARING
MORGAN COUNTY BOARD OF ADJUSTMENT
JUNE 20, 2023 AT 5:30 P.M.
VIRTUAL AND IN PERSON IN THE ASSEMBLY ROOM, MORGAN COUNTY
ADMINISTRATIVE BUILDING, 231 ENSIGN, FORT MORGAN, COLORADO**

Notice is hereby given that on Tuesday, June 20, 2023 at 5:30 p.m., or as soon as possible thereafter, or at such other 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:

Applicant: AGPROfessionals, Tim Naylor and Hannah Dutrow, for a variance request to the Morgan County Zoning Regulations.

Landowner: Bos Farms, LLC

Legal Description: Subject parcel of land is located in a part of the SE¼ of Section 20, the SW¼SW¼ of Section 21, the NW¼ of Section 28 and the N½NE¼ of Section 29, all in Township 3 North, Range 58 West of the 6th P.M. Morgan County, Colorado.

Request: A Variance to allow a Livestock Confinement Operation within 1,320 feet of an existing residence located on a separate parcel of land.

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/88941667130>

Or Telephone:

Dial:

+1 719 359 4580

Webinar ID: 889 4166 7130

Date of Application: May 23, 2023

Published in Fort Morgan Times on June 10, 2023.

Documents pertaining to the above identified matter are on file in the Planning Administrator's Office, 231 Ensign Street, basement, Fort Morgan and may be examined during regular office hours.

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

Nicole Hay, Morgan County Planning Administrator

ADDITIONAL INFORMATION