

| PLANNING COMMISSION 6:00 P.M. | SEPTEMBER 9, 2024 |
COVELLI CONDITIONAL USE

TABLE OF CONTENTS

- **File Summary**
- **Original Submittal**
 - Application
 - Right to Farm
- **Applicant Narrative**
- **Site Plan / Maps**
- **Proof of Ownership**
 - Current Title Insurance Commitment
- **Access**
 - Driveway Permit
- **Additional Application Information**
 - Ditch Company Notification
 - Tax Account Statement
- **Landowner Letters, Referrals & Responses**
 - Landowner Letter sent & Responses Received
 - Referral Sent & Responses Received
 - Notification
 - Sign Posting Pictures & Affidavit



MORGAN COUNTY PLANNING COMMISSION

AGENDA

DATE: Monday, September 9, 2024
TIME: 6:00 P.M.
PLACE: Assembly Room, 231 Ensign Street
Option of remote attendance via ZOOM for regular meeting

Link to Zoom meeting:

<https://us02web.zoom.us/j/89980525262>

Or Telephone:

Dial:

+1 719 359 4580 US

Webinar ID: 899 8052 5262

All materials are available for inspection at the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado, during regular office hours. Twenty-four hours prior to the meeting, the Planning Commission meeting packet is available here: morgancounty.colorado.gov.

AGENDA

1) Regular Meeting

Roll Call

Agenda

Minutes from 08/12/2024

2) Public Hearing

a) Applicants: Reed Covelli

Landowners: Reed Covelli and Kelly Covelli

Legal Description: Located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 4 North, Range 59 West of the 6th P.M., Morgan County, Colorado, otherwise known as 11839 Hwy 144 Weldona, CO 80653.

Request: To allow outdoor public storage of RV's and boats on the property.

b) Zoning Amendments: Amendments reorganizing of the use categorizations in each zone district (with the exception of JLV) into tables, making necessary and associated amendments to use descriptions and terminology, and deletions, modifications, and revisions to definitions.

ADJOURN:



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

Conditional Use Application

Nicole Hay <nhay@co.morgan.co.us>

Fri, Aug 9, 2024 at 1:59 PM

To: [REDACTED]

Cc: Cheryl Brindisi <cbrindisi@co.morgan.co.us>, jsantos@co.morgan.co.us


Reed,

We received the attached letter regarding your conditional use permit application. Due to the concerns raised in the letter, I have decided to refer the application to the Planning Commission and the Board of County Commissioners for a final decision in order to have these issues presented and discussed as part of the public hearings. The Planning Commission hearing will be on Monday, September 9th at 6:00 P.M. and the Board of County Commissioners hearing will be Tuesday, September 17th at 9:00 A.M.

At both public hearings, you will be afforded the opportunity to present evidence and arguments regarding your position on the concerns raised in the letter.

Thanks.

[Quoted text hidden]

 2024.08.07 Opposition email.pdf
1705K



**MORGAN COUNTY
PLANNING AND ZONING DEPARTMENT**

July 8, 2024

Reed and Kelly Covelli
11839 Hwy 144
Weldona, CO 80653
Sent via email: [REDACTED]

Your Application for a Conditional Use Permit has been received by our office and will be reviewed administratively. If the Administrator deems necessary, the application may go to review and decision by the Planning Commission and Board of County Commissioners. The permit fee difference would be the responsibility of the Applicant. A decision will be made **August 9th, 2024**.

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

Sincerely,

Nicole Hay

Nicole Hay
Planning Administrator

FILE SUMMARY



**MORGAN COUNTY
PLANNING AND ZONING DEPARTMENT**

**MORGAN COUNTY PLANNING COMMISSION
FILE SUMMARY**

August 21, 2024

Hearing date – SEPTEMBER 9, 2024

APPLICANT and LANDOWNER: Reed Covelli and Kelly Covelli

This application is for a conditional use permit to allow outdoor public storage of recreational vehicles and boats on a 21.13 acre parcel of land. The property is in the SE¼SE¼ of Section 1, Township 4 North, Range 59 West of the 6th P.M., Morgan County, Colorado, otherwise known as 11839 Hwy 144 Weldona, CO 80653. The property is zoned Agriculture Production and is in the Fort Morgan Fire District.

The request is to allow public outdoor storage of possibly 60 RV's and boats. The initial storage will be minimal and only increase to 60 if the demand increases. Permanent structures or fencing are not planned and the area has an electronic alert system in place.

Access to the property is off of State Highway 144. Colorado Department of Transportation is aware of the request and has issued an access permit using the existing access. The applicant is required to keep a log of daily visitors and provide it to CDOT one year after the facility opens to ensure the traffic counts permitted are not surpassed in practice.

An email from the Weldon Valley Ditch Company states they have no objection to the proposed use provided there is no incursion into the company's setback easement for operation and maintenance of the ditch.

In reviewing this application, the Planning Commission and Board of County Commissioners are required to make a finding that the criteria for granting a conditional use permit in Section 2-425 of the Morgan County zoning regulations have been met. Those criteria are as follows:

Section 2-425 Conditional Use Permit Criteria:

- A. The application documents are complete and present a clear picture of how the use is to be arranged on the site.
- B. The site plan conforms to the design standards of these Regulations.
The requirement of a site plan was waived by the Planning Administrator. The site plan provided included sufficient information for the proposed use.

- C. There are no off-site impacts imposed by the conditional use proposed that require additional infrastructure (utilities, drainage, and roads) or upgrades by the County of special districts.
There is access to public infrastructure. There is an existing access to the property from State Highway 144.
- D. The use proposed is compatible with the surrounding uses and adequately buffered as necessary.
All adjacent properties are in the Agricultural Production District. To the northeast across the Weldon Valley Ditch is a large parcel with a single family residence, Tomky Fish Farms, and Trace Tire shop. To the southeast there are minor subdivisions with larger parcels used as single family home sites, and pasture ground to the south and west. Buffer is created by the road and/or distance.

The following conditions are recommended if the conditional use permit is granted:

1. A copy of Colorado Department of Transportation's determination letter after the traffic count has been supplied.

Nicole Hay,
Morgan County Planning Administrator

ORIGINAL SUBMITTAL

Original Application

Right to Farm



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

E-MAIL: permits_licensing@co.morgan.co.us

PERMIT # CU2024 - 0003

Date Received <u>9 / 26 / 24</u>	Received By <u>JB</u>
Fee: <input checked="" type="checkbox"/> Administrative Review \$ <u>200</u>	<input type="checkbox"/> Full Review \$ _____
<input checked="" type="checkbox"/> Ck/CC #: <u>7412</u>	Paid <u>6/26/2024</u>
Recording Fee \$ _____	Ck/CC #: _____ Paid / /
PC Date: / /	BOCC Date: / /
100 Year Floodplain? <u>Y(N)</u>	Taxes Current? <u>Y/N</u>

CONDITIONAL USE PERMIT APPLICATION

(Also to be used as application for Amendments to Existing Conditional Use Permits)

Landowner MUST Sign Application and Right to Farm Policy

APPLICANT

Name Reed Covelli
Address [REDACTED] 11839 Hwy 144
Weldona, Co. 80653
Phone [REDACTED]
Email [REDACTED]

LANDOWNER

Name Reed and Kelly L Covelli
Address 11839 Highway 144
Weldona, Co. 80653
Phone [REDACTED]
Email [REDACTED]

PROPERTY LEGAL DESCRIPTION AND TECHNICAL INFORMATION

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

Job Site Address or General Location if not addressed:

11839 Highway 144 Weldona, Co. 80653

S: 1 T: 4N R: 59 1/2 SE 1/4 SE 1/4 Size of Property 21 (sq ft/ acres)

Parcel #: 10430 X10 00 010

Zone District: A

Subdivision: N/A

Lot #(s): N/A

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

PRESENT use of property Residential/Ag

PROPOSED use of property Residential/Ag/RV Boat storage

SEE REQUIRED ATTACHMENT LIST ON BACK OF THIS PAGE.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED OR PROCESSED.

CONDITIONAL USE PERMIT APPLICATION ATTACHMENT LIST
Additional information may be required by staff

Fee:

- Non-Refundable Application Fee due with application as determined by staff:
 - \$_____ Administrative Review
 - OR
 - \$_____ Full Review
- Recording fees may be assessed: \$13.00 first page \$5.00 each additional page

If assessed, the Recording Fee is paid AFTER application is approved
**Additional fees and changes may be required pursuant to Section 2-160 of Morgan County Zoning Regulations. Applicant will be responsible for any legal fees after the first 5 hours.*

Project Narrative:

- Narrative to include:
 - Project Description
 - Purpose of request
 - Additional information to show project's intent
 - How project will relate to or impact existing adjacent uses
 - All off-site impacts and proposed mitigation measures
 - Development or implementation schedule of project
 - Proposed length of time the permit is desired

Site Map & Plans:

- Site Plan** must be drawn to scale and show all existing/proposed structures with the setbacks from all property lines as per Morgan County Zoning Regulations, Section 2-410 and other pertinent information required for the project, including widths.
-See attached example

N/A Include any **easements** required for the project-widths and other pertinent information.
May be required to supply copies of easement agreements *Weldon Valley District*

N/A **Construction Plans**-detailed and thorough (**must be sent electronically**)

N/A **Drainage/Run-Off Control Plan** may be required if the Planning Administrator determines that the use or building meets one of the following criteria:
(See Morgan County 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.

Ownership:

- Current title insurance commitment (last 6 months)

Utilities/Access:

- N/A* Water tap must be paid in full and well must be fully operational.
<https://dwr.state.co.us/Tools/WellPermits>

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

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

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

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

N/A **Architecture Control Approval** (if applicable)

Right to Farm Policy signed by Landowner (attached)

Technical:

___# **Paper Application sets** ___ **Digital Copy of Application**
One sided only please

Additional Information required by staff: _____

Vesting (Optional) If you desire Vesting as part of this application, please include the following along with a signed statement:

Period of time Vesting Rights are requested

Development guide describing the proposed uses and development in the area

The goals and objectives of the project

Development schedule including timeline and phases

Reason for request

Other pertinent factors concerning the development

Application fee for vesting portion of application

Landowner must sign application on the next page!

Landowner MUST Sign Application

Landowner agrees to contract the project in accordance to the plans and specifications submitted herewith and in strict compliance with the provisions of the Morgan County Zoning Regulations and the Morgan County Building Code. Buildings MUST conform to the submitted and approved plans. Any changes of plans or layout must be approved prior to the changes being made.

Any change in the use or occupancy MUST be approved PRIOR to commencement of construction.

The applicant, his agents and employees of, shall comply with all the rules, regulations and requirements of the County Zoning Regulations and Building Codes governing all aspects of the above proposed work for which the permit is granted. The County or its agents are authorized to order the immediate cessation of construction, at any time, if a violation of the codes or regulations appears to have occurred. Issuance of a building or zoning permit does not guarantee your project is in compliance with covenants that may be in place on your property. Landowner is notified that any past, existing or future drainage associated with this property is the responsibility of the landowner and not that of Morgan County.

Construction not commenced within 180 days of permit issuance voids this permit. Cessation of work for periods of 180 continuous days shall also void this permit, unless an extension is requested. Morgan County and any of its contractors are not liable for workmanship. Permits are NOT transferable.

Signing this application gives the Building Inspector and/or his agent express permission to enter permitted property for the purpose of conducting inspections as required by Morgan County Zoning Regulations and Morgan County Building Code.

Additional fees may be charged if this inspection is not conducted **prior** to start of construction.
-See Morgan County Zoning Regulations 1-315

Failure to comply with inspection may result in additional fees and/or denial of a Morgan County Contractor's license.

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

Violation of any of the codes and applicable regulations may result in the revocation of this permit.

Landowner Signature: Reed Coverti Date: 5/16/2024

Landowner Signature: Kathy Cavelli Date: 5/16/2024

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.

To Be Signed by Landowner

Reed Cavelli Signature 5/16/2024 Date
Reed Cavelli Printed Name
11839 Highway 144 Address
Weldona, CO 80653



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

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To Be Signed by all Landowners

Kelly L. Cavelli 5-29-2024
 Signature Date

Kelly L. Cavelli
 Printed Name

11839 Hwy 149
 Address

Weldon, Co 80653

Adopted by the Morgan County Board of County Commissioners by Resolution #96BCCA1 on July 23, 1996 and amended by Resolution 2008 BCC 34 on September 2, 2008.

RECEIPT

Morgan County

731 Ensign, Fort Morgan, CO 80701

(970) 542-3526



CU2024-0003 | Conditional Use Permit

Receipt Number: 545240

Payment Amount: **\$300.00**

August 15, 2024

Transaction Method	Payer	Cashier	Reference Number
Check	Reed Covelli	Jenafer Santos	7442

Comments

Assessed Fee Items

Fee items being paid by this payment

Assessed On	Fee Item	Account Code	Assessed	Amount Paid	Balance Due
3/15/24	Conditional Use - Manual		\$300.00	\$300.00	\$0.00
06/21/24	Conditional Use - Administrative		\$200.00	\$200.00	\$0.00
Totals:			\$500.00	\$500.00	
				Previous Payments	\$200.00
				Remaining Balance Due	\$0.00

Application Info

Property Address	Property Owner	Property Owner Address	Valuation
11839 HWY 144 WELDONA, CO 80653	COVELLI, REED A & KELLY L	11839 HWY 144 WELDONA, CO 80653	

Description of Work

RV / Boat storage for 60 site. No permanent structures are planned.

APPLICANT NARRATIVE

May 16, 2024

Proposed project description is RV/ Boat storage parcel.

We are implementing a plan for 60 sites. However, the initial parcels created will be minimal and only increase if demand increases. At this time, we are not anticipating fencing the area. It will be located off the road and near our residence. The area already has an electronic alert system in place. No permanent structures are planned. No mobile units will be placed in an area that would interfere with the Weldon Valley Ditch easement.

Purpose of the request is to comply with Morgan County Zoning Regulations to establish RV/ Boat Storage.

Project should not impact any adjacent parcels. No offsite mitigation will be required.

Proposed project will be implemented on a very small scale and increase only if there is a demand for the service.

Permit is requested as permanent and transferrable with any change in ownership.

Reed and Kelly Covelli

SITE PLAN / MAPS



Setbacks are NOT required
for trailers
* NO STRUCTURES *

Site Plan

144

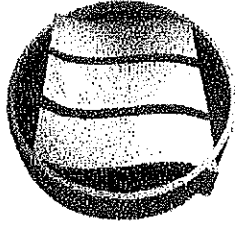
Google Earth

Image © 2024 CNES / Airbus



PROOF OF OWNERSHIP

Current Title Insurance Commitment



EQUITY TITLE OF COLORADO

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

Date: May 17, 2024

Our File Number: 00055798 SB

C-3

Re: / Reed A. Covelli and Kelly L. Covelli
Property Address: 11839 Highway 144 Weldona, CO 80653

Escrow Officer:

Title Officer: Shelly Butt - (303) 563-4655 - [REDACTED]

Delivery List

Copy To:

Reed A. Covelli and Kelly L. Covelli

Email: [REDACTED]

SENT VIA EMAIL

stewart title

ALTA COMMITMENT FOR TITLE INSURANCE

ISSUED BY
STEWART TITLE GUARANTY COMPANY - II

NOTICE

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

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO 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 - II, 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 Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I - Requirements have not been met within six (6) months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Countersigned:



Authorized Signature

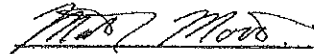
Equity Title Associates II, LLC

Company Name

Fort Morgan, Colorado

City State

stewart
title guaranty company



Matt Morris
President and CEO



Denise Carraux
Secretary

For purposes of this form the "Stewart Title" logo featured above is the represented logo for the underwriter, Stewart Title Guaranty Company - II.

This page is only a part of a 2016 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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COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "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.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in 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 shall not be liable for any other amendment to this Commitment.

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 shall not be 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 will only have liability 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.

This page is only a part of a 2016 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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- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be 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) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, 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 HAS BEEN ISSUED BY AN ISSUING AGENT

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

8. 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. ARBITRATION

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

STEWART TITLE GUARANTY COMPANY - II

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

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**ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE A**

ISSUED BY
STEWART TITLE GUARANTY COMPANY - II

Transaction Identification Data for reference only:

Issuing Agent: Equity Title Associates II, LLC
Issuing Office: 520 Sherman Street, Fort Morgan, CO 80701
Loan ID Number: [0010008878]
Issuing Office File Number: 00055798
Property Address: 11839 Highway 144, Weldona, CO 80653

1. Effective Date: **May 10, 2024 at 8:00 a.m.**

2. Policy to be issued:

(a) None

Proposed Insured:

Proposed Policy Amount: **\$0.00**

(b) ALTA 2006 Standard Loan Policy

Proposed Insured: **FMS Bank**, its successors and/or assigns, as their interests may appear

Proposed Policy Amount: **\$0.00**

(c) None

Proposed Insured: []

Proposed Policy Amount: **\$0.00**

3. The estate or interest in the Land described or referred to in this Commitment is:

FEE SIMPLE

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

Reed A. Covelli and Kelly L. Covelli

5. The Land is described as follows:

See Exhibit A attached hereto and made a part hereof.

STEWART TITLE GUARANTY COMPANY - II
Countersigned By



Authorized Signature

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TITLE PREMIUMS

[Bundled] [Refinance] Loan Policy Rate (Basic \$)	\$	
[Form 100/ALTA 9 Comprehensive]	\$	[Included]
Form 8.1 Environmental	\$	[Included]
Form 100.30-	\$	[Included]
Chain of Title	\$	
Tax Certificate	\$	[Included]
TOTAL	\$	0.00

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EXHIBIT A
LEGAL DESCRIPTION

That portion of the SE ¼ SE ¼ of Section 1, Township 4 North, Range 59 West of the 6th PM., Morgan County, Colorado, described as follows:

BEGINNING at a point on the South line of said SE ¼, being South 89°25'27" West 100.00 feet from the SE corner of said SE ¼;

THENCE South 89°25'27" West along said South line, a distance of 1224.58 feet to the SW corner of said SE ¼ SE ¼;

THENCE North 00°32'27" East along the West line of said SE ¼ SE ¼, a distance of 1312.27 feet to the NW corner of said SE ¼ SE ¼;

THENCE North 89°42'14" East along the North line of said SE ¼ SE ¼, a distance of 188.49 feet to a point on the centerline of the Weldon Valley Ditch;

THENCE Southeasterly along the centerline of said ditch the following four courses:

South 36°48'17" East, a distance of 402.00 feet;

South 28°27'48" East, a distance of 466.55 feet;

South 58°44'42" East, a distance of 356.38 feet;

South 47°17'38" East, a distance of 349.73 feet to a point 100.00 feet West measured at right angles to the East line of said SE ¼;

THENCE South 00°27'28" West parallel with said East Line a distance of 146.75 feet to the point of beginning;

County of Morgan, State of Colorado.

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**ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE B PART I**

ISSUED BY
STEWART TITLE GUARANTY COMPANY - II

Requirements

File No.: 00055798

All of the following Requirements must be met:

- A. ~~The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.~~
- B. ~~Pay the agreed amount for the estate or interest to be insured.~~
- C. ~~Pay the premiums, fees, and charges for the Policy to the Company.~~
- D. ~~Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.~~
- i. ~~Deed of Trust satisfactory to the Company, from Reed A. Covelli and Kelly L. Covelli, to the Public Trustee of Morgan County, for the benefit of FMS Bank.~~
- E.
- F. ~~Receipt by the Company of the Disclosure of Interest, executed by Reed A. Covelli and Kelly L. Covelli.~~
- G. ~~Receipt by the Company of a satisfactory Final Affidavit, executed by Reed A. Covelli and Kelly L. Covelli.~~
- H. ~~Receipt by the Company of the Gap Indemnity Agreement, executed by~~
- I. ~~Receipt by the Company of the Coronavirus Acknowledgment, executed by~~
- J. ~~Payment of all taxes and assessments now due and payable.~~

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**ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE B PART II**

ISSUED BY
STEWART TITLE GUARANTY COMPANY - II

Exceptions

File No.: 00055798

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions 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 of which all of the Schedule B, Part I - Requirements are met.

NOTE: Provided Equity Title Associates II, LLC conducts the closing of this transaction, Exception 1 will be deleted.

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. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
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.

NOTE: Upon receipt of [final affidavits], as shown in Schedule B - Section 1, Exceptions 2 through 5 will not appear on the Lender's Policy (if any) to be issued hereunder.

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

NOTE: Upon payment of all taxes and assessments now due and payable, as shown in Schedule B - Section 2, Exception 6 will be amended to read as follows: "Taxes and assessments for the year 2019 and subsequent years, a lien, not yet due or payable."

7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water; (d) Minerals of whatsoever kind, subsurface and surface substances, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records or listed in Schedule B.
8. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent dated August 30, 1886, in [Volume 27 at Page 125](#). The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

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SCHEDULE B, PART II

(Continued)

9. Terms, conditions, provisions, obligations, easements, agreements, benefits and burdens as set forth in the Order, recorded May 6, 1907, as Reception No. [25157](#).
10. Conveyance of ½ of mineral interest as described in Deed recorded December 10, 1990, as Reception No. [722366](#). The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
11. Terms, conditions, provisions, obligations, easements, agreements, benefits and burdens as set forth in the Easement, recorded November 13, 1992, as Reception No. [733185](#).
12. Terms, conditions, provisions, obligations, easements, agreements, benefits and burdens as set forth in the Exemption, recorded February 23, 2004, as Reception No. [815674](#).
13. An Oil and Gas Lease, from Reed A. Covelli and Kelly L. Covelli, as Lessor(s) to Bijou Creek Holdings, LLC, as Lessee(s), dated April 4, 2016, recorded June 3, 2016, as Reception No. [899884](#), and any and all assignments thereof or interests therein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
14. An Oil and Gas Lease, from Ryan L. Covelli and Reed A. Covelli and Sammie E. Covelli, as Lessor(s) to Bijou Creek Holdings, LLC, as Lessee(s), dated March 15, 2016, recorded June 3, 2016, as Reception No. [899891](#), and any and all assignments thereof or interests therein. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
15. Easements, notes, covenants, restrictions and rights-of-way as shown on the Subdivision Exemption Plat, recorded February 4, 2004, in Book 1170 at Page 38 & 39, as Reception No. [1601023](#). Correction of Subdivision Plat recorded February 23, 2004, as Reception No. [1601020](#).
16. Easements, notes, covenants, restrictions and rights-of-way as shown on the Land Survey Plat, recorded January 4, 2013, as Reception No. [1601616](#).
17. The following notices pursuant to CRS 9-1.5-103 concerning underground facilities have been filed with the Clerk and Recorder. These statements are general and do not necessarily give notice of underground facilities within the subject property:
 - a.) Mountain Bell Telephone Company recorded October 2, 1981, in [Book 821 at Page 502](#).
 - b.) Public Service Company of Colorado recorded October 2, 1981, in [Book 821 at Page 514](#).
 - c.) Morgan County REA, recorded January 22, 1982, in [Book 825 at Page 656](#).
 - d.) Wiggins Telephone Association, recorded October 9, 1992, in [Book 947 at Page 824](#).
18. **Deed of Trust from Reed A. Covelli and Kelly L. Covelli to the Public Trustee of [Morgan] County for the benefit of FMS Bank, to secure an indebtedness, and any other amounts and/or obligations secured thereby, recorded April 10, 2020, as Reception No. 924544.**

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DISCLOSURES

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

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

Note: Colorado Division of Insurance Regulations 8-2-2, 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 Title Company of Sherwood, Inc. conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 1 will not appear on the Owner's Title Policy and the Lender's Title Policy when issued.

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

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

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

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

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

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

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

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

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

We are committed to Safeguarding Customer Information

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

Applicability

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

Types of Information

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

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

Your California Rights (see attachments) or you may visit our website at <https://www.titleadvantage.com/privacypolicy.htm> or call toll-free at (866) 241-7373. Only applies to CA residents

Use of Information

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

Former Customers

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

Confidentiality and Security

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

Other Important Information

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

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

Privacy Policy Last Revision 12/26/2019
Effective on 1/1/2020

Your California Rights

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

Right to Know

You have the right to know:

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

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

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

Right of Deletion

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

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

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

Right to Opt-Out

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

Right of Non-Discrimination

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

California Minors

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

Collection Notice

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

Categories of Personal Information Collected

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

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

Categories of Sources

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

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

Business Purpose for Collection

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

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

Categories of Third Parties Shared

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

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

Sale Notice

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

Disclosure Notice

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

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

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

Call Us at our toll free number (866) 241-7373

Email Us at dataprivacy@octitle.com

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

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

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

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

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

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

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

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

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

Contact Us	If you have any questions about this privacy notice, please contact us at: <i>Stewart Title Guaranty Company - II</i> , 1980 Post Oak Blvd., Privacy Officer, Houston, Texas 77056
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**THIS ADDENDUM IS MADE PART OF THE POLICY AND IS PERMANENTLY AFFIXED HERETO
COLORADO ANTI-FRAUD DISCLOSURE
PURSUANT TO C.R.S. 10-1-128 (6)**

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

ACCESS

Driveway Permit

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS CODE NOTICE TO PROCEED	CDOT Permit No. 424043
	State Highway/Mile Post/Side 144A / 19.46/Left
	Local Jurisdiction CDOT

Permittee(s): Reed Covelli Reed Covelli 11839 Hwy 144 Weldona, Colorado 80653 [REDACTED]	Applicant:
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The permittee is hereby authorized to proceed with access construction within state highway right-of-way in accordance with the above referenced State Highway Access Permit and this Notice to Proceed.

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

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

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

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

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

Municipality or County Approval (When the appropriate local authority retains issuing authority)

By (X)	Title	Date
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This Notice is not valid until signed by a duly authorized representative of the Department
Colorado Department of Transportation

By (X) <i>DocuSigned by: Mike Shepherd</i>	Title Assistant Access Manager	Date 4/11/2024 3:45 PM MDT
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COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT			CDOT Permit No. 424043
			State Highway No / Mp / Side 144A / 19.460 / Left
Permit Fee \$100.00	Date of Transmittal 04/08/2024	Region / Section / Patrol / Name 4 / 01 / 26 Fort Morgan	Local Jurisdiction CDOT

The Permittee(s): Reed Covelli 11839 Hwy 144 Weldona, Colorado 80653 [Redacted]	The Applicant(s): [Redacted]									
is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.										
Location: East of Weldona on Hwy 144 2,390 feet East of MM 19 or 1,610 feet East of the curve on the Left (North) side of the roadway.										
<table border="1"> <thead> <tr> <th>Access to Provide Service to: (Land Use Code)</th> <th>(Size)</th> <th>(Units)</th> </tr> </thead> <tbody> <tr> <td>210 - Single-Family Detached Housing</td> <td>10</td> <td>ADT</td> </tr> <tr> <td>151 - Mini-Warehouse Boat and RV Storage</td> <td>12</td> <td>ADT</td> </tr> </tbody> </table>		Access to Provide Service to: (Land Use Code)	(Size)	(Units)	210 - Single-Family Detached Housing	10	ADT	151 - Mini-Warehouse Boat and RV Storage	12	ADT
Access to Provide Service to: (Land Use Code)	(Size)	(Units)								
210 - Single-Family Detached Housing	10	ADT								
151 - Mini-Warehouse Boat and RV Storage	12	ADT								
Additional Information: <div style="text-align: right; border: 1px solid blue; padding: 2px; display: inline-block;"> DS RC </div>										
The permittee is required to keep a log of daily visitors and provide it to CDOT one year after the facility opens to ensure the traffic count permitted are not surpassed in practice.										

MUNICIPALITY OR COUNTY APPROVAL Required only when the appropriate local authority retains issuing authority.			
Signature	Print Name	Date	Title
Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.			
The permittee shall notify Bruce Barnett with the Colorado Department of Transportation, at (970) 381-1742 at least 48 hours prior to commencing construction within the State Highway right-of-way.			
The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.			
DocuSigned by: Permittee Signature: <i>Reed Covelli</i>	Print Name Reed Covelli	Date 4/11/2024 2:45 PM PDT	
Co-Permittee Signature: (if applicable)	Print Name	Date	

This permit is not valid until signed by a duly authorized representative of the Department.			
COLORADO DEPARTMENT OF TRANSPORTATION			
DocuSigned by: Signature <i>Mike Shepherd</i>	Print Name Mike Shepherd	Title Assistant Access Manager	Date (of issue) 4/11/2024 3:45 PM MDT

**State Highway Access Permit
Form 101, Page 2**

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

APPEALS

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

PERMIT EXPIRATION

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

CONSTRUCTION

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

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan.

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

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

MAINTENANCE

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

COLORADO DEPARTMENT OF TRANSPORTATION Environmental Clearances Information Summary

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

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

- Colorado Department of Public Health and Environment (CDPHE): General Information – (303) 692-2000 Water Quality Control Division (WQCD): (303) 692-3500
Environmental Permitting Website <https://www.colorado.gov/pacific/cdphe/all-permits>
- CDOT Water Quality Program Manager: (303) 512-4053 <https://www.codot.gov/programs/environmental/water-quality>
- CDOT Asbestos Project Manager: (303) 512-5519
- Colorado Office of Archaeology and Historic Preservation: (303) 866-5216
- U.S. Army Corps of Engineers, District Regulatory Offices:
Omaha District (Northeastern CO), Denver Office (303) 979-4120
<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Colorado.aspx>
Sacramento District (Western CO), Grand Junction Office (970) 243-1199
<http://www.spk.usace.army.mil/Missions/Regulatory.aspx>
Albuquerque District (Southeastern CO), Pueblo Office (719) 543-9459
<http://www.spa.usace.army.mil/Missions/RegulatoryProgramandPermits.aspx>
- CDOT Utilities, Special Use and Access Permitting: (303) 757-9654 <https://www.codot.gov/business/permits>

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

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

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

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

CDOT UTILITY/RELOCATION/SPECIAL USE PERMIT STANDARD PROVISIONS

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

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

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

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

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

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

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

Erosion and Sediment Control Practices - Any activities that disturb one or more acres of land require a Stormwater Construction Permit (SCP) from the CDPHE-WQCD. Erosion & sediment control requirements will be specified in that permit. In situations where a stormwater permit is not required, all reasonable erosion and sediment control measures should be taken to minimize erosion and sedimentation. Control practices should be in accordance with CDOT Standard Specifications 107.25, 208, 213 and 216 (<https://www.codot.gov/business/designsupport/cdot-construction-specifications>). The CDOT Erosion Control and Stormwater Quality Guide (website: <https://www.codot.gov/programs/environmental/landscape-architecture/erosion-storm-quality>) can also be used to design erosion/sediment controls. **Contact Information:** Contact the CDPHE-WQCD at (303) 692-3500.

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

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

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

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

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

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

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

Post-Construction Permanent Water Quality - When working in a CDOT MS4 area and the activity disturbs one or more acres, permanent water quality control measures may be required. Information on the requirements can be found under the CDOT Permanent Water Quality MS4 Program at: <https://www.codot.gov/programs/environmental/water-quality/stormwater-programs/pwq-permanent-water-quality>

Discharges to Storm Sewer Systems

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

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

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

Disposal of Drilling Fluids - Drilling fluids used in operations such as Horizontal Directional Drilling may be classified as "discharges" or "solid wastes," and in general, should be pumped or vacuumed from the construction area, removed from the State Highway Right of Way, and disposed of at permitted facilities that specifically accept such wastes. Disposal of drilling fluids into storm drains, storm sewers, roadside ditches or any other type of man-made or natural waterway is prohibited by Water Quality Control and/or Solid Waste regulations. Small quantities of drilling fluid solids (less than 1 cubic yard of solids) may be left on-site after either being separated from fluids or after infiltration of the water, provided: 1) the drilling fluid consists of only water and bentonite clay, or, if required for proper drilling properties, small quantities of polymer additives that are approved for use in drinking water well drilling; 2) the solids are fully contained in a pit, and are not likely to pose a nuisance to future work in the area, 3) the solids are covered and the area restored as required by CDOT permit requirements (Utility, Special Use, or Access Permits, etc.). **Contact Information:** Contact CDPHE (telephone #'s listed above).

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



COLORADO
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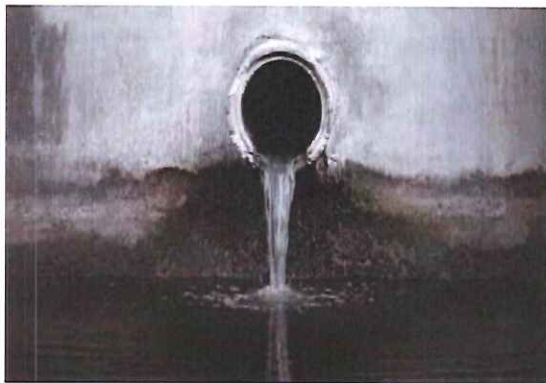
COLORADO
Department of
Transportation

What is stormwater runoff?

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

Why is stormwater runoff a problem?

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



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

Tips for Reporting an Illicit Discharge

Call the illicit discharge hotline at (303) 512-4426
From a safe distance try to estimate the amount of the discharge.
Identify characteristics of the discharge (color, odor, algae, etc.).
Obtain information on the vehicle dumping the waste (if applicable).
Do not approach!
Call *CSP for illicit dumping.
If possible, take a photo, record a license plate.

REMEMBER:

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

For more information on CDOT Utility Permits:

<https://www.codot.gov/business/permits/utilities/specialuse>

For more information on CDOT Access Permits:

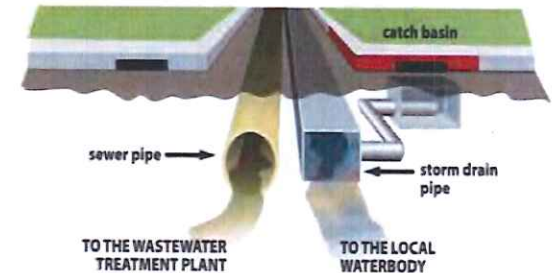
<https://www.codot.gov/business/permits/access/permits>

For more information on CDOT Water Quality Program:

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

Water Quality Program Industrial Facilities Program

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



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

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



Control Measures for Industrial Facilities

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

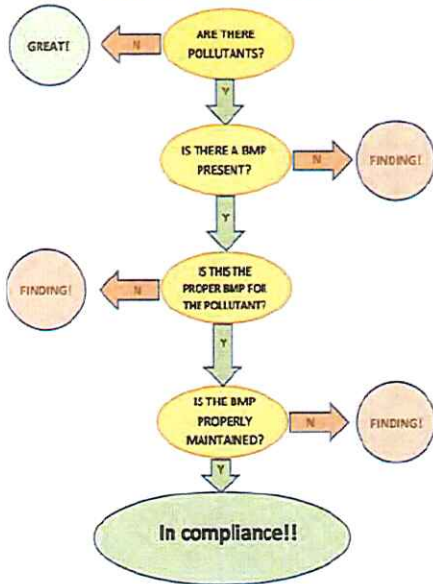
CDOT defines a utility, or utility facility as any privately, publicly, or cooperatively owned line, facility, or system producing, transmitting or distributing the following:

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

Industrial Facilities Program Elements:

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

THE GAUNTLET



Education

There are instances when a utility company or other entity doing work in the state highway right-of-way will require some type of environmental permit or clearance for that work. CDOT has put together an Environmental Clearances Information Summary for those applying for a CDOT Utility and Special Use Permit or Access Permit to obtain all required clearances. This fact sheet is given to each permittee and is available at: <http://www.coloradodot.info/programs/environmental/resources/guidance-standards/Environmental%20Clearances%20Info%20Summary.pdf>

State Highway Access Permit

Attachment to Permit No. 424043 - Additional Terms and Conditions

1

1. If there are any questions regarding this permit, please contact Mike Shepherd at 970-324-4823.
2. The Permittee or the contractor shall notify Bruce Barnett at (970) 381-1742 at least two working days prior to beginning any access improvements or construction of any kind within the State Highway right-of-way. Failure to comply with this requirement may result in revocation of this permit.
3. The Permittee shall request final inspection by Bruce Barnett at (970) 381-1742 within 10 days following the completion of access construction, and prior to authorized use. The Permittee or their representative shall be present.
4. A fully executed complete copy of this permit must be on the job site with the contractor at all times during construction. Failure to comply with this or any other construction requirement may result in the immediate suspension of work by order of the Department inspector or the issuing authority.
5. The Permittee shall refer to all additional standard requirements included with this permit and any enclosed additional terms, conditions, exhibits, and noted attachments.
6. All communications related to the deliberative process are considered to be part of the permit.
7. Incorporated as part of this permit are the following:
 - Application for Access Permit (CDOT Form No. 137)
 - Permit (CDOT Form No. 101) and its attachments
 - Exhibits:
 - "A" – Access Plan
 - "B" – Vicinity Map
8. This permit is issued in accordance with the State Highway Access Code (2 CCR 601-1), and is based upon the information submitted by the Permittee. This permit is only for the use and purpose stated in the Application and Permit. Any changes in traffic volumes or type, drainage, or other operation aspects may render this permit void, requiring a new permit to be applied for based upon the existing and anticipated future conditions.
9. All work is to conform to the plans referenced by this permit on file with the Department or as modified by this permit. (If discrepancies arise, this permit shall take precedence over the plans.) The Department plan review is only for the general conformance with the Department's design and code requirements. The Department is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and any other elements which shall be confirmed and correlated at the work site. The Department, through the approval of this document, assumes no responsibility for the completeness and/or accuracy of the plans.
10. The Permittee is responsible for obtaining any necessary additional federal, state, and/or city/county permits or clearances required for construction of the access. Approval of this access permit does not constitute verification of this action by the Permittee.

State Highway Access Permit
Attachment to Permit No. 424043 - Additional Terms and Conditions

2

11. The Permittee is responsible for the resolution of any unforeseen circumstances.
12. The State requires a Certificate of Insurance prior to commencing any work on the State Highway right-of-way. Policies shall name the State of Colorado as additional insured party. All vendors, contractors, and utility companies shall procure, at their own expense, and maintain for the duration of the work period, the following minimum insurance coverages:
 - A. Standard workman's compensation and employer's liability, including occupational disease, covering all employees engaged in performance of the work at the site, in the amount required by State Statutes.
 - B. Comprehensive general liability in the amount of \$600,000 combined single limit bodily injury and property damage, each occurrence and \$2,000,000 annual aggregate.
 - C. Automobile liability in the amount of \$1,000,000 combined single limit bodily injury and property damage, for each accident.

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

13. All costs associated with the installation of this access are the responsibility of the Permittee. This includes design, construction, signing and striping, utility relocation, testing of materials, and inspections. In the event a signal is warranted in the future, CDOT will not participate in any fashion with that signal installation, including financially.
14. The Department will not participate in any costs related to the design and installation of a traffic signal, should one be warranted or approved at this access location or any other serving this development.
15. The development of this property shall not negatively impact adjacent nearby properties. Correction of the problem and cost resulting from damages shall be borne by the Permittee.
16. It is the responsibility of the Permittee to determine which environmental clearances and/or regulations apply to the project, and to obtain any clearances that are required directly for the appropriate agency prior to commencing work. Please refer to or request a copy of the "CDOT Environmental Clearance Information Summary" (ECIS) for details. The ECIS may be obtained from the CDOT Permitting Offices or may be accessed via the CDOT Planning/Construction-Environmental Guidance webpage at <http://www.dot.state.co.us/environmental/Forms/asp>. FAILURE TO COMPLY WITH REGULATORY REQUIREMENTS MAY RESULT IN THE SUSPENSION OR REVOCATION OF YOUR CDOT PERMIT, OR ENFORCEMENT ACTIONS BY OTHER AGENCIES.

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

State Highway Access Permit

Attachment to Permit No. 424043 - Additional Terms and Conditions

3

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

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

17. Should any excavation encounter plant or animal fossils, the remains of historic or prehistoric structures, artifacts, (pottery, stone tools, arrowheads, etc.), the work shall be stopped and the Permittee shall notify the Department inspector.
18. Survey markers or monuments must be preserved in their original positions. Notify the Department at 970-302-2587 immediately upon damage to or discovery of such markers or monuments at the work site. Any survey markers or monuments disturbed during the permitted work shall be repaired and/or replaced immediately at the expense of the Permittee.
19. Landscaping and site construction shall not obstruct sight distance at any State Highway access point. Landscaping within the State Highway right-of-way requires the Permittee to obtain a CDOT Landscaping Permit from the Traffic/Access Section. The access permit does not authorize that activity. Irrigation of features within the right-of-way may require the Permittee to install a subsurface drain in accordance with CDOT Standard M-605-1 or other approved system. The Permittee shall contact Allyson Young at the Greeley Traffic Office, 970-381-8995 to obtain the Landscaping Permit.
20. This permit is subject to revocation due to: 1) Noncompliance with the provisions of this permit; 2) Abandonment; 3) Supersededure by new permit covering the same installation; or 4) Conflict with necessary planned highway construction and/or improvements. The permittee shall promptly terminate occupancy upon notice of cancellation of the permit from the Department, unless a new permit is applied for and granted.
21. The Department inspector may suspend work due to: 1) Noncompliance with the provisions of this permit; 2) Adverse weather or traffic conditions; 3) Concurrent highway construction or maintenance in conflict with permit work; 4) Any condition deemed unsafe for workers or the general public. The work may be resumed upon notice from the Department Inspector.

State Highway Access Permit
Attachment to Permit No. 424043 - Additional Terms and Conditions

4

22. If necessary, minor changes, corrections, and/or additions to this permit may be ordered by the Department inspector, other Department representative or local authority to meet unanticipated site conditions. Changes may not be in violation of the State Highway Access Code. All major changes to the plan must be approved in writing by the Department prior to commencement of any work on or within the State Highway right-of-way.

23. Reconstruction and improvements to the access may be required when the Permittee has failed to meet the required design and/or material specifications. If any construction element fails within two years due to improper construction or material specifications, the Permittee is responsible for all such repairs.

24. The Department retains the right to perform any necessary maintenance work in this area.

25. Routine, periodic maintenance and emergency repairs may be performed within the State Highway right-of-way, under general terms and conditions of the permit. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, will require written authorization from the Department. The Department shall be given proper advance notice whenever maintenance work will affect the movement or safety of traffic on the State Highway. In an emergency, the Department Region Office and the State Patrol shall immediately be notified of possible hazards.

26. Access construction methods and materials shall conform to the Colorado Department of Transportation Standard Specifications for Road and Bridge Construction (current edition).

27. All materials, equipment, installation, construction, and design, including the auxiliary lane(s) and intersection improvement(s) within the State Highway shall be in accordance with the following Department standard references as applicable.
 - A. State Highway Access Code, 2 CCR601-1
 - B. Roadway Design Manual
 - C. Materials Manual
 - D. Construction Manual
 - E. Standard Specifications for Road and Bridge Construction, latest edition
 - F. Standard Plans (M&S Standards)
 - G. Manual on Uniform Traffic Control Devices (M.U.T.C.D.) for Streets and Highways and the Colorado Supplement thereto
 - H. A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials (AASHTO), latest edition
 - I. AASHTO Roadside Design Guide
 - J. Institute of Transportation Engineer's Trip Generation Manual, 6th Edition

State Highway Access Permit
Attachment to Permit No. 424043 - Additional Terms and Conditions

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

Colorado Department of Transportation
Bid Plans Room
2829 W. Howard Pl.
Denver, CO 80204
970-757-9011

The State Highway Access Code may be purchased from:

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

The website address is: www.cdot.gov

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

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

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

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

29. No work will be allowed at night, or on Saturdays, Sundays, and legal holidays without prior authorization from the Department. The Department may also restrict work within the State Highway right-of-way during adverse weather conditions.
30. No construction vehicles shall be parked, or construction materials/equipment stored, on the State Highway right-of-way overnight.

State Highway Access Permit
Attachment to Permit No. 424043 - Additional Terms and Conditions

6

31. Backing maneuvers within and into the State Highway right-of-way are strictly prohibited. All vehicles shall enter and exit the highway right-of-way in forward movement. Backing into the right-of-way shall be considered a violation of the terms and conditions of the access permit and may result in revocation of the permit by the Department and/or the issuing authority.
32. Traffic detours or lane closures will not be allowed, unless pre-approved by the Department.
33. Two-way traffic shall be maintained throughout the work area at all times unless specific written authorization is obtained from the Department.
34. Construction traffic control devices, when not in use, shall be removed or turned away from traffic. Devices must be stored outside of the roadway clear zone per the latest AASHTO guidelines.
35. Cattle guards are not permitted in State Highway right-of-way.
36. Any fencing modifications should follow the included Standard M-607-1 sheets 1 through 3. Permittee will be required to obtain a highway right-of-way fence agreement for a special fence if the Permittee desires to remove the existing standard highway fencing in this area.

When it is necessary to remove any highway right-of-way fence, the posts on either side of the access entrance shall be securely braced with approved end posts and in conformance with the Department's M-607-1 standard before the fence is cut to prevent slacking of the remaining fence. All posts and wire removed shall be returned to the Department.
37. All required access improvements shall be installed prior to the herein authorized use of this access. Failure to do so will result in the appropriate legal action from the Department, up to Permit Revocation.
38. The access shall be maintained as per Exhibit "A".
39. The access shall be maintained 20 feet wide with 20-foot radii.
40. The access shall be constructed perpendicular to the travel lanes of the State Highway for a minimum distance of 40 feet and shall slope down and away from the adjacent pavement edge at a rate of 2% grade for a minimum of 20 feet.
41. The permittee is required to sweep CDOT right of way and remove material from CDOT right of way within 24 hours of CDOT contact.

State Highway Access Permit
Attachment to Permit No. 424043 - Additional Terms and Conditions

7

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

COLORADO DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ACCESS PERMIT APPLICATION	Issuing authority application acceptance date:
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Instructions:

- Contact the Colorado Department of Transportation (CDOT) or your local government to determine your issuing authority.
- Contact the issuing authority to determine what plans and other documents are required to be submitted with your application.
- Complete this form (some questions may not apply to you) and attach all necessary documents and Submit it to the issuing authority.
- Submit an application for each access affected.
- If you have any questions contact the issuing authority.
- For additional information see CDOT's Access Management website at <https://www.codot.gov/business/permits/accesspermits>

Please print or type

1) Property owner (Permittee) Reed Covelli		2) Applicant or Agent for permittee (if different from property owner)	
Street address 11839 Highway 144		Mailing address	
City, state & zip Weldona, Co. 80653	Phone # [REDACTED]	City, state & zip	Phone # (required)
E-mail address [REDACTED]		E-mail address if available	

3) Address of property to be served by permit (required)
11839 Highway 144 Weldona, Co. 80653

4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one?

county	subdivision	block	lot	section	township	range
Morgan	N/A	N/A	N/A	1	4	59

5) What State Highway are you requesting access from? 144	6) What side of the highway? <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W
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7) How many feet is the proposed access from the nearest mile post? feet <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from:	How many feet is the proposed access from the nearest cross street? 3500 feet <input checked="" type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W from:
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8) What is the approximate date you intend to begin construction?
5/1/2024

9) Check here if you are requesting a:

<input type="checkbox"/> new access	<input type="checkbox"/> temporary access (duration anticipated: _____)	<input type="checkbox"/> improvement to existing access
<input checked="" type="checkbox"/> change in access use	<input type="checkbox"/> removal of access	<input type="checkbox"/> relocation of an existing access (provide detail)

10) Provide existing property use
Residential and Ag

11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest? and/or, permit date:
 no
 yes, if yes - what are the permit number(s) and provide copies: _____

12) Does the property owner own or have any interests in any adjacent property?
 no
 yes, if yes - please describe: _____

13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property?
 no
 yes, if yes - list them on your plans and indicate the proposed and existing access points.

14) If you are requesting agricultural field access - how many acres will the access serve?

15) If you are requesting commercial or industrial access please indicate the types and number of businesses and provide the floor area square footage of each.												
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="padding: 2px;">business/land use</th> <th style="padding: 2px;">square footage</th> <th style="padding: 2px;">business</th> <th style="padding: 2px;">square footage</th> </tr> <tr> <td style="padding: 2px;">RV and Boat Storage</td> <td style="padding: 2px;"></td> <td style="padding: 2px;">Storage</td> <td style="padding: 2px;"></td> </tr> <tr> <td colspan="4" style="padding: 2px;">in addition to current ag and reside</td> </tr> </table>	business/land use	square footage	business	square footage	RV and Boat Storage		Storage		in addition to current ag and reside			
business/land use	square footage	business	square footage									
RV and Boat Storage		Storage										
in addition to current ag and reside												

16) If you are requesting residential development access, what is the type (single family, apartment, townhouse) and number of units?								
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="padding: 2px;">type</th> <th style="padding: 2px;">number of units</th> <th style="padding: 2px;">type</th> <th style="padding: 2px;">number of units</th> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;"></td> <td style="padding: 2px;"></td> <td style="padding: 2px;"></td> </tr> </table>	type	number of units	type	number of units				
type	number of units	type	number of units					

17) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts.

Indicate if your counts are <input type="checkbox"/> peak hour volumes or <input checked="" type="checkbox"/> average daily volumes.	# of passenger cars and light trucks at peak hour volumes 6	# of multi unit trucks at peak hour volumes
# of single unit vehicles in excess of 30 ft.	# of farm vehicles (hold equipment)	Total count of all vehicles 6

1b) Check with the issuing authority to determine which of the following documents are required to complete the review of your application.

- a) Property map indicating other access, bordering roads and streets.
- b) Highway and driveway plan profile.
- c) Drainage plan showing impact to the highway right-of-way.
- d) Map and letters detailing utility locations before and after development in and along the right-of-way.
- e) Subdivision, zoning, or development plan.
- f) Proposed access design.
- g) Parcel and ownership maps including easements.
- h) Traffic studies.
- i) Proof of ownership.

1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage: <https://www.codot.gov/programs/environmental/resources/guidance-standards/environmental-clearances-info-summary-august-2017/view>

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

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

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

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

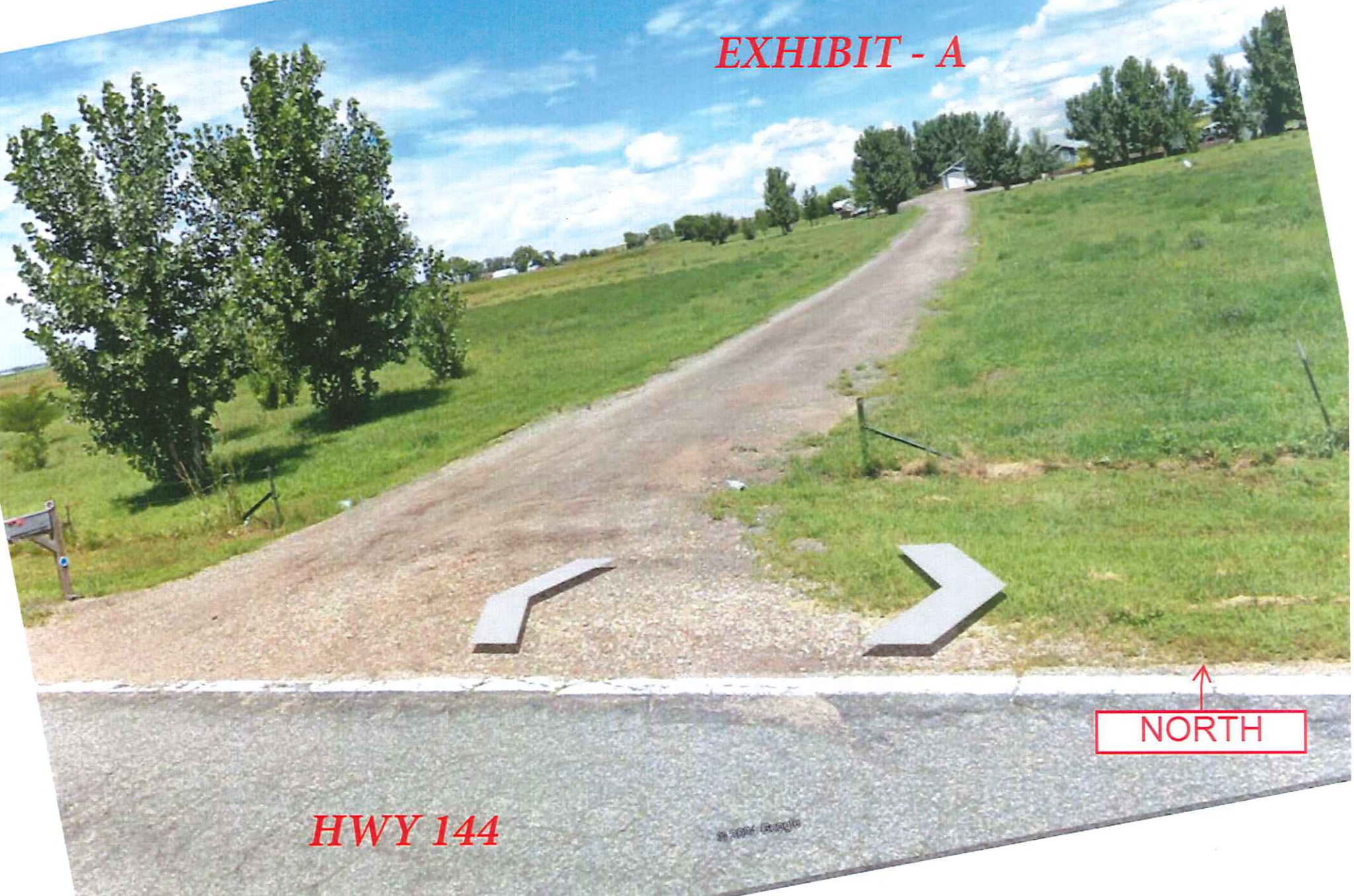
If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

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

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

Applicant or Agent for Permittee signature <i>Reed Covell</i>	Print name <i>Reed Covell</i>	Date <i>02/12/2024</i>
If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is issued, the property owner, in most cases, will be listed as the permittee.		
Property owner signature	Print name	Date

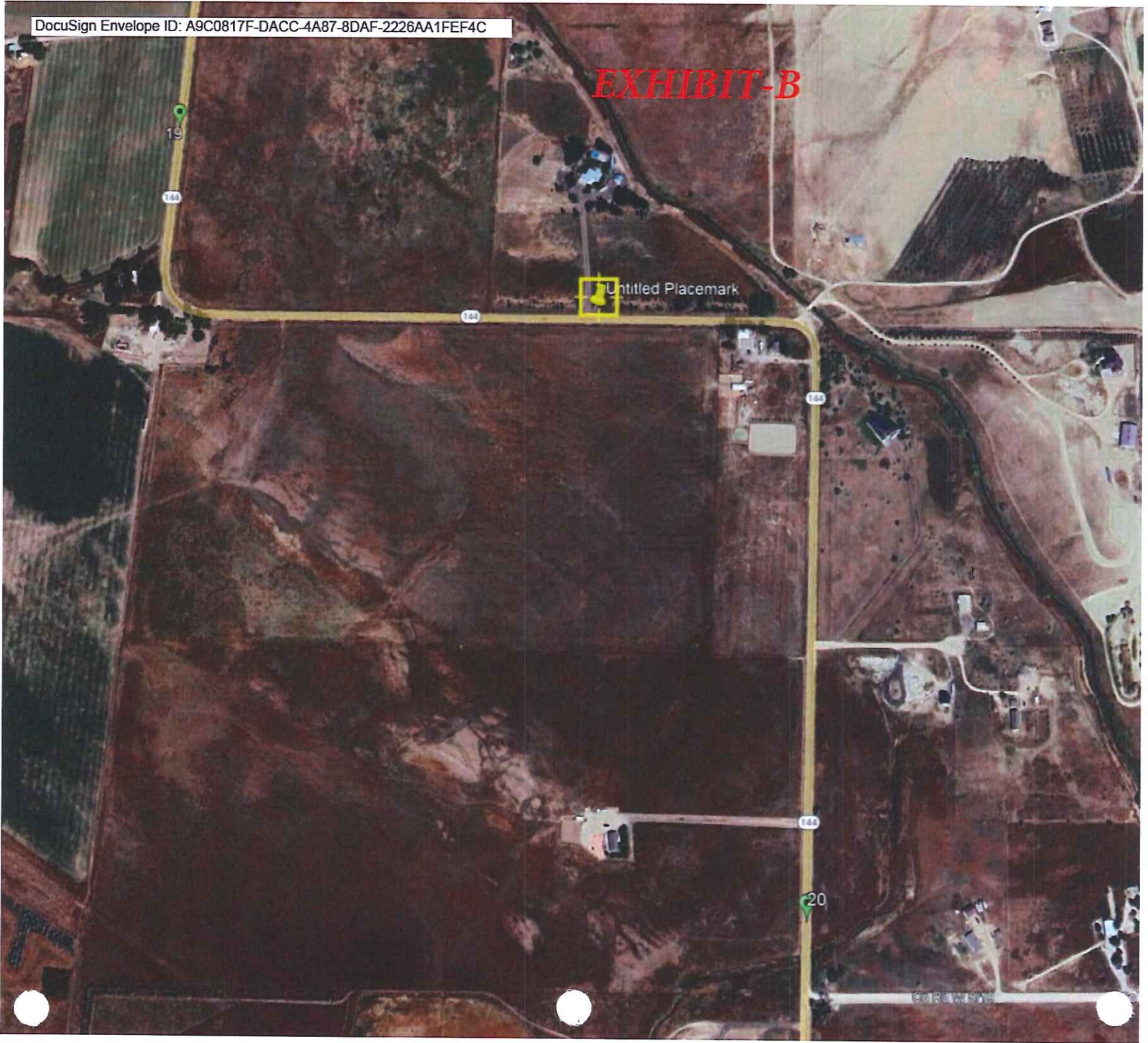
EXHIBIT - A



HWY 144

NORTH

EXHIBIT-B



Reception No.

Recorder

WARRANTY DEED

THIS DEED is a conveyance of the real property described below, including any improvements and other appurtenances (the "property") from the individual(s), corporation(s), partnership(s), or other entity(ies) named below as GRANTOR to the individual(s) or entity(ies) named below as GRANTEE.

The GRANTOR hereby sells and conveys the property to the GRANTEE and the GRANTOR warrants the title to the property, except for (1) the lien of the general property taxes for the year of this deed, which the GRANTEE will pay (2) any easements and rights-of-way shown of record (3) any patent reservations and exceptions (4) any outstanding mineral interests shown of record (5) any protective covenants and restrictions shown of record, and (6) any additional matters shown under "Additional Warranty Exceptions"

The Specific Terms of This Deed Are:

Grantor: (Give name(s) and place(s) of residence; if the spouse of the owner-grantor is joining in this Deed to release homestead rights, identify grantors as husband and wife.)
**THE HARVEY D. TOMKY REVOCABLE and THE CONNIE A. TOMKY REVOCABLE TRUST
 AS TENANTS IN COMMON**

Grantee: (Give name(s) and address(es); statement of address, including available road or street number, is required.)
**REED A. COVELLI and KELLY L. COVELLI
 707 WARREN
 WELDONA CO 80653**

Form of Co-Ownership: (If there are two or more grantees named, they will be considered to take as tenants in common unless the words "in joint tenancy" or words of the same meaning are added in the space below.)
In Joint Tenancy

Property Description: That portion of the SE1/4SE1/4 of Section 1, Township 4 North, Range 59 West of the 6th P.M., Morgan County, Colorado, described as follows: Beginning at a point on the South line of said SE1/4, being S 89°25'27" W 100.00 feet from the SE corner of said SE1/4; thence S 89°25'27" W along said South line a distance of 1224.58 feet to the SW corner of said SE1/4SE1/4; thence N 0°32'27" E along the West line of said SE1/4SE1/4 a distance of 1312.27 feet to the NW corner of said SE1/4SE1/4; thence N 89°42'14" E along the North line of said SE1/4SE1/4 a distance of 188.49 feet to a point on the centerline of the Weldon Valley Ditch; thence Southeasterly along the centerline of said ditch the following four courses: S 36°48'17" E a distance of 402.00 feet, S 28°27'48" E a distance of 466.55 feet, S 58°44'42" E a distance of 356.38 feet, S 47°17'38" E a distance of 349.73 feet to a point 100.00 feet West measured at right angles to the East line of said SE1/4; thence S 0°27'28" W parallel with said East line a distance of 146.75 feet to the point of beginning.

Property Address: **VACANT LAND**

Consideration: (The statement of a dollar amount is optional; adequate consideration for this deed will be presumed unless this conveyance is identified as a gift; in any case this conveyance is absolute, final and unconditional.)
Thirty Thousand and 0/100 **Dollars**

Reservations-Restrictions: (If the GRANTOR intends to reserve any interest in the property or to convey less than he owns, or if the GRANTOR is restricting the GRANTEE'S right in the property, make appropriate indication.)
EXCEPT TAXES FOR THE YEAR 2003 DUE IN 2004 AND SUBSEQUENT YEARS, SUBJECT TO RESTRICTIONS, RESERVATIONS IN THE UNITED STATES PATENT, EASEMENTS AND RIGHTS OF WAY OF RECORD AND IN USE IN AND UPON THE PREMISES, EXCAVATION NOTICES AND MINERAL RESERVATIONS OF RECORD.

Additional Warranty Exceptions: (Include deeds of trust being assumed and other matters not covered above.)



Executed by the Grantor on **February 26, 2004**
 Signature Clause for Corporation, Partnership or Association:

Name of Grantor, corporation, partnership or Association
 By _____
 By _____

Signature Clause for Individual(s):
Harvey D. Tomky Trustee
THE HARVEY D. TOMKY REVOCABLE TRUST
Connie A. Tomky Trustee
THE CONNIE A. TOMKY REVOCABLE TRUST

Attest: _____ **AS TENANTS IN COMMON**

STATE OF COLORADO }
 County of Morgan } ss.

The foregoing instrument was acknowledged before me this **26th** day of **February, 2004**,
 by **THE HARVEY D. TOMKY REVOCABLE TRUST and THE CONNIE A. TOMKY REVOCABLE TRUST**
AS TENANTS IN COMMON BY HARVEY D. TOMKY, TRUSTEE AND CONNIE A. TOMKY TRUSTEE

Witness my hand and official seal
 My commission expires **5/19/2006**

STATE OF COLORADO }
 County of _____ } ss.

Raymond J. Covelli
 Notary Public

The foregoing instrument was acknowledged before me this _____ day of _____

(Name individual Grantor(s) or if Grantor is Corporation, Partnership or Association, then identify signers as president or vice president and secretary of (system) secretary of corporation, or as partner(s) of partnership, or as authorized member(s) of association.)

Witness my hand and official seal
 My commission expires _____
 Notary Public

Return to MCR
 707 Warren
 W

ADDITIONAL APPLICATION INFORMATION

Ditch Company Notification

Tax Account Statement



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

Conditional Use Permit for Reed Covelli at 11839 Hwy 144, Weldona

2 messages

Eric Christensen [REDACTED]
To: "permits_licensing@co.morgan.co.us" <permits_licensing@co.morgan.co.us>
Cc: [REDACTED]

Mon, Apr 22, 2024 at 7:04 PM

To Whom it May Concern:

The Weldon Valley Ditch Company has no objections to the application submitted by Reed Covelli for his project in the SE ¼ of Section 1, T4N, R 59W provided there is no incursion into the company's setback easement for operation and maintenance of the ditch.

For reference the company's setback policy is as follows:

Rule 6 Construction Setbacks

(5-23-2019)

The Company from time to time operates, maintains, repairs, and reconstructs its ditch as required by law, and in performing these duties, the Company requires access to a minimum of 60 feet from the cut of the ditch on the upper side and 60 feet from the bottom of the berm on the lower side at times on short or no notice. Accordingly, these zones above and below the ditch should remain clear of obstructions, and no temporary or permanent structures should be constructed and no trees should be planted within these zones.

Please do not hesitate to contact me if you have any questions.

Eric Christensen

Secretary

Weldon Valley Ditch Company

Morgan County Treasurer

Statement of Taxes Due

Account Number R019391
Assessed To

Parcel 104301000010
COVELLI, REED A & KELLY L
11839 HWY 144
WELDONA, CO 80653

Legal Description	Situs Address
S: 01 T: 4 R: 59 PARC SE1/4SE1/4 S & W OF DITCH B1171 P473	11839 HWY 144

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2023	\$3,044.04	\$0.00	\$0.00	(\$3,044.04)	\$0.00
Total Tax Charge					\$0.00
Grand Total Due as of 08/26/2024					\$0.00

Tax Billed at 2023 Rates for Tax Area 283 - 283 - RE 20J

Authority	Mill Levy	Amount	Values	Actual	Assessed
COUNTY GENERAL FUND	19.5530000	\$797.56	FLOOD IRRIGATED LAND	\$7,800	\$2,060
ROAD AND BRIDGE FUND	7.5000000	\$305.93	GRAZING LAND	\$80	\$20
SOCIAL SERVICES FUND	2.0000000	\$81.58	FARM/RANCH WASTE LAND	\$10	\$10
FT MORGAN RURAL FIRE DIST	2.8600000*	\$116.66	FARM/RANCH RESIDENCE	\$577,560	\$38,700
MORGAN CO QUALITY WATER	0.8240000	\$33.61			
NORTHERN COLO WATER CD	1.0000000	\$40.79			
RE 20-J WELDONA GEN FD	27.3900000	\$1,117.24	Total	\$585,450	\$40,790
RE 20-J WELDONA BOND	13.5000000	\$550.67			
Taxes Billed 2023	74.6270000	\$3,044.04			

* Credit Levy

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

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

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

LANDOWNER LETTERS, REFERRALS & RESPONSES

Landowner Letter Sent & Responses Received

Referral Sent & Responses Received

Notification

Sign Posting Pictures & Affidavit



**MORGAN COUNTY
PLANNING AND ZONING DEPARTMENT**

August 20, 2024

Dear Neighboring Landowners:

Reed Covelli as applicant and Reed Covelli and Kelly Covelli as landowners, have submitted an application to our office for a Conditional Use Permit to allow outdoor public storage of RV's and boats on the property.

The subject parcel of land is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 4 North, Range 59 West of the 6th P.M., Morgan County, Colorado, otherwise known as 11839 Hwy 144 Weldona, CO 80653.

This application is scheduled to be heard by the Planning Commission on **Monday, September 9, 2024 at 6:00 P.M.** and the Board of County Commissioners on **Tuesday, September 17, 2024 at 9:00 A.M.** in the Assembly Room of the Morgan County Administration Building, 231 Ensign St., (Basement Level) Fort Morgan, Colorado. Landowners within $\frac{1}{4}$ mile of the subject property are notified of the application and hearing date.

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office located at 231 Ensign St., Fort Morgan, Colorado. If you have any questions pertaining to this application or if you would like to review the file, either contact us at (970) 542-3526 or stop by our office prior to the hearing. You may attend the public hearing and provide comments on the application, or alternatively, if you are not able to attend you may submit written comments to our office no later than **September 4, 2024.**

Sincerely,

Nicole Hay

Nicole Hay
Planning Administrator

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



**MORGAN COUNTY
PLANNING AND ZONING DEPARTMENT**

July 12, 2024

Dear Neighboring Landowners:

Reed Covelli as applicant and Reed Covelli and Kelly Covelli as landowners, have submitted an application to our office for a Conditional Use Permit to allow outdoor public storage of RV's and boats on the property.

The subject parcel of land is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 4 North, Range 59 West of the 6th P.M., Morgan County, Colorado, otherwise known as 11839 Hwy 144 Weldona, CO 80653.

This application will be considered administratively. If the Administrator deems necessary, the application may go to review and decision by the Planning Commission and Board of County Commissioners.

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office located at 231 Ensign St., Fort Morgan, Colorado. If you have any questions pertaining to this application or if you would like to review the file, please contact us at (970) 542-3526 or stop by our office. You may submit written comments to our office no later than **July 26, 2024**.

Sincerely,

Nicole Hay

Nicole Hay
Planning Administrator

Setbacks are NOT required
for trailers
* NO STRUCTURES *

Site Plan

144

Google Earth

Image © 2024 CNES / Airbus



COVELLI, REED A & KELLY L
11839 HWY 144
WELDONA, CO 80653

TOMKY, TRACY DOUGLAS & SABRINA LYNN
12190 CO RD X.5
WELDONA, CO 80653

MAGC 7 LLC
13493 CO RD W.5
WELDONA, CO 80653

CASTOR, KEVIN N
11924 CO RD X.5
WELDONA, CO 80653

LORENZINI, MAXINE TRUST FBO
10222 CO RD Y
WELDONA, CO 80653

CASTOR, DELAND TODD & JULIE L
25450 CO RD 10
WELDONA, CO 80653

ROBLES, ERICA CRISTINA &
CAMPOS, JESUS ARROYO
11982 HWY 144
WELDONA, CO 80654

SCHAFFERT, TERRI LYNN & ANTHONY
39137 CO RD 32
OTIS, CO 80743

CHAVEZ, ARTHUR
1841 MARY AVE
FORT LUPTON, CO 80621

BARNES, MARVELLA K
14930 BRIGHTON RD
BRIGHTON, CO 80601

MUTZ, ANN & KEITH L FAMILY REVOCABLE TRUST
12111 DELL LN
WELDONA, CO 80653

KEEFE, BRODIE & SYDNEY
12027 DELL LN
WELDONA, CO 80653

PALMER, COY
12012 HWY 144
WELDONA, CO 80653

August 5, 2024

Sent Via email: permits_licensing@co.morgan.co.us

Morgan County Planning, Zoning & Building Dept.
231 Ensign
P.O. Box 596
Fort Morgan, CO 80701

Re: *Objection and Comments to Reed and Kelly L. Covelli Conditional Use Permit Application #CU2024-003*

Dear Sir or Madam:

This firm represents Deland Todd Castor and Julie L. Castor (the "Castors") with respect to Conditional Use Permit Application #CU2024-003 (the "Application"), submitted to Morgan County on May 16, 2024, by Reed Covelli and Kelly Covelli (the "Covellis"). The Castors respectfully request that Morgan County deny the Covellis' Application for the reasons below. Alternatively, if the County is not inclined to deny the Application outright, the Castors respectfully request that the County impose certain requirements and conditions on the Covellis to mitigate the harm to the Castors, the public, and other surrounding landowners caused by the use proposed in the Application.

The Property which is the subject of the Application is situated in an Agriculture Production Zone. The Castors own real property immediately to the west and east of the subject Property, also in the same Agriculture Production Zone. The use proposed in the Application—for a 60-site commercial RV and boat storage facility—is inconsistent with the purpose of this zone, due to the substantial and detrimental impacts on the Castors, other surrounding landowners, and the public. While the Application should be denied outright, at a minimum, those negative impacts must be mitigated by the County as a condition to approval of the Application.

First, the use requested in the Application will undoubtedly create substantial and irreparable harm to the public. The subject Property abuts Highway 144 near a sharp curve in the path traveled by the public to and from Jackson Lake, which is already prone to serious vehicle accidents. Adding potentially sixty or more other people regularly entering and exiting Highway 144 at this curve, in particular on the weekends when there is already heavy traffic to and from Jackson Lake, will create an unreasonable and substantial danger to the public. At a minimum, a traffic study is warranted to determine how or if this harm to the public may be mitigated.

Second, an RV and boat storage facility of this size is inconsistent with the purpose of the zoning for the subject Property. While the Castors acknowledge that commercial boat and recreation vehicle storage is generally an enumerated conditional use for this zone, this particular use requested is wholly inconsistent with the purpose of the zone, as stated in Morgan County Zoning Regulation 3-165:

Agriculture is considered to be a highly valued resource in Morgan County. Conservation of agricultural resources and land is paramount and such land and resources must be protected from adverse impacts resulting from uncontrolled and undirected business, commercial, industrial and residential uses. The A zone is established to maintain and promote agriculture as an essential industry of Morgan County. The A zone is established to provide areas for the conduct agriculture activities and activities related to agriculture and agricultural production without the interference of other incompatible uses. Morgan County recognizes that non-agriculture uses, such as residences, occur in the Agriculture Zone, but that these uses are subordinate to agricultural uses.

The Application proposes a use that amounts to an “uncontrolled and undirected” commercial use. Storing sixty boats or RVs for people who are likely visiting Jackson Lake for recreation interferes with the agricultural use of this zone. At a minimum, the number of permitted sites requested in the Application must be drastically reduced to ten sites to mitigate this harm. This would also mitigate the increased risk of traffic accidents at the access to Highway 144.

A reduction in the number of sites would further be consistent with the intended use of the Covellis. In their May 16, 2024, letter submitted with the Application, the Covellis stated, “We are implementing a plan to 60 sites. However, the initial parcels created will be minimal and only increase if demand increases.” If the Covellis at a later date find there is demand for 60 sites, they can submit a subsequent application to the County. At this time, however, there clearly is no need for such an expansive project, by the Covellis’ own admission. Given the substantial risk for increased traffic accidents, which could be fatal, a reduction in the number of sites is warranted here.

Further, an RV and boat storage site would interfere with the agricultural beauty the Castors and other surrounding landowners currently enjoy. Increased dust, traffic, and the blight of RVs and boats stored in an open field materially and significantly diminishes the use and enjoyment of the Castors’ property. Further, valuable boats and RVs that are viewable from the highway will promote potential criminal theft activity, especially when there is no fence or other security in place. At a minimum, the County should require that the Covellis install a privacy fence and significant landscaping around the perimeter of the

storage location to mitigate the impacts and harms to the Castors and other surrounding landowners.

In sum, the Castors respectfully request that the County deny the Application outright, because:

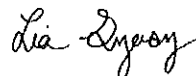
- (1) the increased traffic entering and exiting Highway 144 near Jackson Lake, in a location already prone to serious vehicle accidents, amounts to a substantial risk of danger and death to the public;
- (2) the proposed use is inconsistent with the County's stated purpose of an Agricultural Production Zone; and
- (3) the dust, traffic, and blight created by a 60-site RV and boat storage facility materially and negatively impacts the use and enjoyment of the Castors' and other surrounding landowners' adjacent property.

If the County is not inclined to deny the Application outright, the Castors respectfully request that the County impose the following conditions and requirements on the Covellis:

- (1) reduce the number of sites from 60 to 10;
- (2) require a traffic study to be conducted before the Application is approved, so the County may more fully understand and consider the danger to the public caused by a significant increase of traffic entering and exiting Highway 144;
- (3) require a privacy fence and landscaping to be constructed on the perimeter of the storage facility, to mitigate potential criminal theft activity and mitigate the harm to the Castors' and other surrounding property owners' use and enjoyment of their adjacent properties.

The Castors thank you for your time and consideration of their comments and objections. If there is any additional information or explanation we can provide, please do not hesitate to contact me.

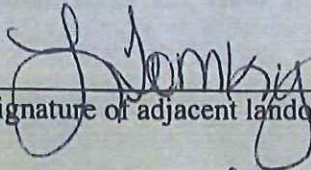
Sincerely,
Otis & Bedingfield, LLC



Lia Szasz
Attorney at Law

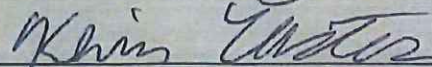
cc: Deland Todd Castor and Julie L. Castor

I am an adjacent landowner and join in the objections and comments made by the Castors in the foregoing letter from their attorney.



Signature of adjacent landowner

SABRINA TOMIKY 8/1/24
Printed name Date



Signature of adjacent landowner

Kevin Castor 8-2-24
Printed name Date



Signature of adjacent landowner

Printed name Date

Signature of adjacent landowner

Printed name Date

I am an adjacent landowner and join in the objections and comments made by the Castors in the foregoing letter from their attorney.

_____ Signature of adjacent landowner	_____ Printed name	_____ Date
_____ Signature of adjacent landowner	_____ Printed name	_____ Date
 _____ Signature of adjacent landowner	Brodie Keefe _____ Printed name	08/07/2024 _____ Date
 _____ Signature of adjacent landowner	Sydney keefe _____ Printed name	08/07/2024 _____ Date
_____ Signature of adjacent landowner	_____ Printed name	_____ Date

REFERRAL AGENCIES	RESPONSES RECEIVED
CDOT	<p>Hi Cheryl, Mr. Covelli had gotten a hold of us a couple months back on this project and applied for an access permit. A permit was issued on 4/11/2024. I have attached the permit below. Please let me know if you need anything further from us.</p> <p>Mike Shepherd Assistant Access Manager / Utility Permits</p>
CDPHE	
Century Link	
Colorado Parks and Wildlife	
Morgan County Assessor	
Morgan County Communications Center	
Morgan County Emergency Mgmt.	
Morgan County Road & Bridge	
Morgan County Quality Water	
Morgan County Rural Electric Assoc.	
Morgan County Sheriff	
Morgan County Weed & Pest Advisory	
Morgan Soil Conservation District	See Attached Letter
NCHD	
Weldon Valley Ditch	
Wiggins Fire Department	
Xcel Energy	See Attached Letter



MORGAN COUNTY PLANNING AND ZONING DEPARTMENT

TO REFERRAL AGENCIES:

CDOT	Morgan County Rural Electric Assoc.
CDPHE	Morgan County Sheriff
Century Link	Morgan County Weed & Pest Advisory
Colorado Parks and Wildlife	Morgan Soil Conservation District
Morgan County Assessor	NCHD
Morgan County Communications Center	Weldon Valley Ditch
Morgan County Emergency Mgmt.	Wiggins Fire Department
Morgan County Road & Bridge	Xcel Energy
Morgan County Quality Water	

FROM: Cheryl Brindisi, Morgan County Planning & Zoning Administrative Assistant
231 Ensign St, PO Box 596, Fort Morgan, CO 80701
970-542-3526 / 970-542-3509 fax / cbrindisi@co.morgan.co.us

DATE: July 2, 2024

RE: Conditional Use Permit

The following application for a Conditional Use Permit has been submitted to Morgan County. This application will be reviewed administratively. If the Administrator deems necessary, the application may go to review and decision by the Planning Commission and Board of County Commissioners. **You are encouraged to provide comments to this application by July 26, 2024.** Failure to comment will be viewed as a favorable review.

Applicant: Reed Covelli

Landowners: Reed and Kelly Covelli

Legal Description: The subject parcel of land is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 4 North, Range 59 West of the 6th P.M., Morgan County, Colorado, otherwise known as 11839 Hwy 144 Weldon, CO 80653.

Request: A Conditional Use Permit to allow outdoor public storage of RV's and boats on the property.

Sincerely,

Cheryl Brindisi,

Morgan County Planning and Zoning Administrative Assistant



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: [REDACTED]

July 22, 2024

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

Attn: Cheryl Brindisi, Nicole Hay, Jenafer Santos

Re: 11839 Hwy 144 - Weldona

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plan for **11839 Hwy 144 - Weldona** and currently 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: [REDACTED] – Email: [REDACTED]



Morgan Conservation District Est. 1955

200 West Railroad Avenue, Fort Morgan, CO 80701

www.morganconservationdistrict.com

Morgan County Planning & Building Department
231 Ensign Street
Fort Morgan, CO 80701

To Whom in May Concern:

The Morgan Conservation District has reviewed the Covelli Conditional Use Permit.

The District would like to make the recommendation of the implementation of a tree windbreak to assist with wind and soil erosion. Furthermore, the District would like to recommend that the applicant manage and eradicate all noxious weeds on the property, in accordance with the Colorado Noxious Weed Act. The District can assist with the planning and recommendation of a tree windbreak if needed, as well as directing the applicant to noxious weed management resources.

Please let us know if you have any questions or concerns.

Sincerely,

Madeline Hagan
District Manager

**NOTICE OF PUBLIC HEARING
MORGAN COUNTY PLANNING COMMISSION
SEPTEMBER 9, 2024 AT 6:00 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 the date and time above (or as soon as possible following the scheduled time) and at the location above, or at such time and place as this hearing may be adjourned, the Morgan County Planning Commission will conduct public hearings on the following proposed **Land Use Application**:

- 1.) Applicant:** Reed Covelli
Landowner: Reed Covelli and Kelly Covelli
Legal Description: Located in the SE¼SE¼ of Section 1, Township 4 North, Range 59 West of the 6th P.M., Morgan County, Colorado, otherwise known as 11839 Hwy 144 Weldona, CO 80653.
Request: To allow outdoor public storage of RV's and boats on the property.
Date of Application: June 26, 2024.

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

To participate remotely you may connect via Zoom at:

<https://us02web.zoom.us/j/89980525262>

Or Telephone:

Dial:

+1 719 359 4580 US

Webinar ID: 899 8052 5262

Documents pertaining to the above identified matters are on file in the Planning Administrator's Office, 231 Ensign St., Fort Morgan, Colorado. Documents will also be available on the Morgan County Website <https://morgancounty.colorado.gov>

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

Nicole Hay

Nicole Hay
Morgan County Planning Administrator

Posted to website: August 30, 2024

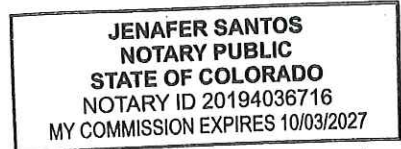
For special assistance for the mentioned hearing, please notify us at least 48 hours before the scheduled agenda item. Please call (970) 542-3526 to request any ADA accommodations.

The above sign was posted on (date) 8.29.2024, pursuant to the Morgan County Zoning Resolution by (name of applicant) Reed Couell.

Project name and number: CU2024-0003

Signature of Applicant/Representative: Reed Couell

STATE OF COLORADO)
) ss.
COUNTY OF MORGAN)



Signed before me this date: 9.4.2024

My Commission expires: 10.03.2027

NOTARIZED BY: Jenifer Santos



NOTE BY PUBLIC HEARING FOR LAND USE
APPLICATION BEFORE THE PLANNING COMMISSION
[Illegible text follows]

**NOTICE OF PUBLIC HEARING ON LAND USE
APPLICATION BEFORE THE PLANNING COMMISSION**

Applicant: Reed Covelli

Landowners: Reed and Kelly Covelli

**Reason: Conditional Use to allow outdoor public
storage of RV's and boats on the property.**

**Location of Hearing: 231 Ensign Street,
Fort Morgan, CO 80701**

Date of Hearing: Monday, September 9, 2024 at 6:00PM