

RECORDED EXEMPTION NO. 0201-35-3 RECX20-0104

PART OF THE WEST HALF OF SECTION 35, TOWNSHIP 11 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF WELD, STATE OF COLORADO

COUNTY NOTES:

- 1) All proposed or existing structures will or do meet the minimum setback and offset requirements for the zone district in which the property is located. Pursuant to the definition of setback in the Weld County Code, the required setback is measured from the future right-of-way line.
- * No occupied building or structure shall be constructed within two-hundred (200) feet of any tank battery, within one hundred-fifty (150) feet of any oil and gas wellhead or within twenty-five (25) feet of any plugged or abandoned oil and gas well.
- 2) Any future structures or uses on site must obtain the appropriate zoning and building permits.
- 3) No lot may be amended or divided except in accordance with Chapters 24 or 27 of the Weld County Code, as amended.
- 4) The property owner or operator shall be responsible for controlling noxious weeds on the site, pursuant to Chapter 15, Article I and II, of the Weld County Code.
- 5) Weld County will not replace overlapping easements located within existing right-of-way or pay to relocate existing utilities within the existing County right-of-way.
- 6) Access on the site shall be maintained to mitigate any impacts to the public road including damages and/or offsite tracking.
- 7) Prior to the release of building permits, the applicant shall be required to submit a complete access application for a "preliminarily approved" access location as shown on this plat.
- 8) Any work that may occupy and/or encroach upon any County rights-of-way or easement shall acquire an approved Right-of-Way Use Permit prior to commencement.
- 9) The historical flow patterns and runoff amounts will be maintained on the site.

- 10) All access and utility easements are dedicated for the benefit of all owners of lots depicted on this plat, including owners of future lots created therefrom, regardless of lot configuration or number of users, and without limitation of the use or intensity of the use of such easements. No lot owner may install a gate or otherwise impede the use of such easements without the approval of all persons with rights of use of such easements.
- 11) All structures requiring building permits shall be located within an area that has been released from the CRP program. Evidence shall be submitted indicating land has been released from the CRP program prior to the release of building permits.
- 12) Prior to the release of building permits, the applicant shall submit a recorded deed describing the lot upon which the building permit is requested with the building permit applications. The legal description on such deed shall include the lot designation and Recorded Exemption number.
- 13) Prior to the release of building permits, the applicant shall submit evidence to the Department of Planning Services that Lots A and B have an adequate water supply of sufficient quality, quantity and dependability.
- 14) Potential purchasers should be aware that Lots A and B may not be eligible for a domestic well permit which allows for outside irrigation and/or the watering of stock animals. The State Division of Water Resources issues all well permits.
- 15) Potential purchasers should be aware that groundwater may not meet all drinking water standards as defined by the Colorado Department of Public Health and Environment. The Weld County Department of Public Health and Environment strongly encourages well users to test their drinking water prior to consumption and periodically thereafter.
- 16) Potential purchasers should be aware that approval of this Recorded Exemption does not guarantee that well permits will be issued for the lots. Any lot may be deemed non-buildable if the lot owner is unable to obtain a well permit. The State Division of Water Resources issues all well permits.

- 17) Building permits shall be obtained prior to the construction of any building. Buildings that meet the definition of an Ag Exempt Building per the requirements of Section 29-1-20 and Section 29-3-20.B.13 of the Weld County Code do not need building permits, however, a Certificate of Compliance must be filed with the Planning Department and an electrical and/or plumbing permit is required for any electrical service to the building or water for watering or washing of livestock or poultry.
- 18) Building Permits issued on the proposed lots will be required to adhere to the fee structure of the County Facility Fee, County-Wide Road Impact Fee, and Drainage Impact Fee Programs.
- 19) Potential Purchasers are hereby notified that the Niobrara Transloading Terminal is permitted by USR13-0065 and is located directly east of the Recorded Exemption. Off-site impacts that may be encountered include noise from trucks, trains and other expected industrial nuisance conditions.

20) **RIGHT TO EXTRACT MINERAL RESOURCES STATEMENT:** Weld County has some of the most abundant mineral resources, including, but not limited to, sand and gravel, oil, natural gas, and coal. Under title 34 of the Colorado Revised Statutes, minerals are vital resources because (a) the State's commercial mineral deposits are essential to the State's economy; (b) the populous counties of the state face a critical shortage of such deposits; and (c) such deposits should be extracted according to a rational plan, calculated to avoid waste of such deposits and cause the least practicable disruption of the ecology and quality of life of the citizens of the populous counties of the state. Mineral resource locations are widespread throughout the County and person moving into these areas must recognize the various impacts associated with this development. Often times, mineral resource sites are fixed to their geographical and geophysical locations. Moreover, these resources are protected property rights and mineral owners should be afforded the opportunity to extract the mineral resource.

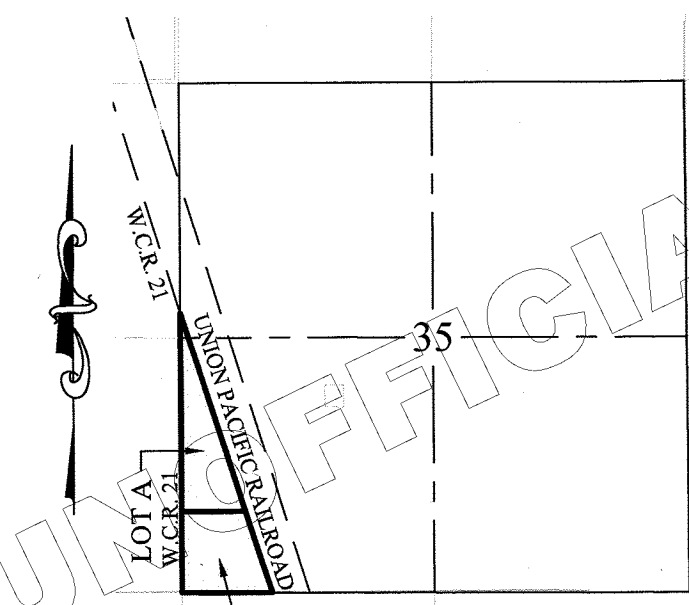
21) **WELD COUNTY'S RIGHT TO FARM STATEMENT:** Weld County is one of the most productive agricultural counties in the United States, typically ranking in the top ten counties in the country in total market value of agricultural products sold. The rural areas of Weld County may be open and spacious, but they are intensively used for agriculture. Persons moving into a rural area must recognize and accept there are drawbacks, including conflicts with long-standing agricultural practices and a lower level of services than in town. Along with the drawbacks come the incentives which attract urban dwellers to relocate to rural areas: open views, spaciousness, wildlife, lack of city noise and congestion, and the rural atmosphere and way of life. Without neighboring farms, those features which attract urban dwellers to rural Weld County would quickly be gone forever.

Agricultural users of the land should not be expected to change their long-established agricultural practices to accommodate the intrusions of urban users into a rural area. Well-run agricultural activities will generate off-site impacts, including noise from tractors and equipment; slow-moving farm vehicles on rural roads; dust from animal pens, field work, harvest and gravel roads; odor from animal confinement, silage and manure; smoke from ditch burning; flies and mosquitoes; hunting and trapping activities; shooting sports, legal hazing of nuisance wildlife; and the use of pesticides and fertilizers in the fields, including the use of aerial spraying. It is common practice for agricultural producers to utilize an accumulation of agricultural machinery and supplies to assist in their agricultural operations. A concentration of miscellaneous agricultural materials often produces a visual disparity between rural and urban areas of the County. Section 35-3.5-102, C.R.S., provides that an agricultural operation shall not be found to be a public or private nuisance if the agricultural operation alleged to be a nuisance employs methods or practices that are commonly or reasonably associated with agricultural production.

Water has been, and continues to be, the lifeline for the agricultural community. It is unrealistic to assume that ditches and reservoirs may simply be moved "out of the way" of residential development. When moving to the County, property owners and residents must realize they cannot take water from irrigation ditches, lakes, or other structures, unless they have an adjudicated right to the water.

Weld County covers a land area of approximately four thousand (4,000) square miles in size (twice the size of the State of Delaware) with more than three thousand seven hundred (3,700) miles of State and County roads outside of municipalities. The sheer magnitude of the area to be served stretches available resources. Law enforcement is based on responses to complaints more than on patrols of the County, and the distances which must be traveled may delay all emergency responses, including law enforcement, ambulances, and fire. Fire protection is usually provided by volunteers who must leave their jobs and families to respond to emergencies. County gravel roads, no matter how often they are bladed, will not provide the same kind of surface expected from a paved road. Snow removal priorities mean that roads from subdivisions to arterials may not be cleared for several days after a major snowstorm. Services in rural areas, in many cases, will not be equivalent to municipal services. Rural dwellers must, by necessity, be more self-sufficient than urban dwellers.

People are exposed to different hazards in the County than in an urban or suburban setting. Farm equipment and oil field equipment, ponds and irrigation ditches, electrical power for pumps and center pivot operations, high speed traffic, sand bars, puncture vines, territorial farm dogs and livestock, and open burning present real threats. Controlling children's activities is important, not only for their safety, but also for the protection of the farmer's livelihood.



VICINITY MAP
1" = 2000'

LOT AREAS (GROSS)	
LOT A	= 15,600± ACRES
LOT B	= 15,600± ACRES
TOTAL	= 31,200± ACRES

PROPERTY DESCRIPTION:

A Parcel of land located in the West Half (W. 1/2) of Section 35, Township 11 North, Range 67 West of the 6 Principal Meridian, County of Weld, State of Colorado, and being more particularly described as follows:

Beginning at the Southwest corner of said Section 35 and considering the West line of the Southwest Quarter (SW. 1/4) of said Section 35 as bearing NORTH 00°01'57" WEST with all bearings relative thereto; Thence NORTH 00°01'57" WEST along said West line of said Southwest Quarter (SW. 1/4) of said Section 35, 2641.57 feet to the West Quarter (W. 1/4) corner of said Section 35; Thence NORTH 00°51'35" WEST along the West line of the Northwest Quarter (NW. 1/4) of said Section 35, 258.20 feet to the intersection of said West line of said Northwest Quarter (NW. 1/4) of said Section 35 and the westerly Right of Way of Union Pacific Railroad; Thence SOUTH 18°05'44" EAST along said westerly Right of Way of Union Pacific Railroad, 3046.29 feet to a point on the South line of said Southwest Quarter (SW. 1/4) of said Section 35; Thence SOUTH 89°45'00" WEST along said South line of said Southwest Quarter (SW. 1/4) of said Section 35, 940.84 feet to said Southwest corner of said Section 35 said point also being the POINT OF BEGINNING; Said Parcel contains 31,200 acres more or less, and is subject to any right-of-way or other easements as granted or reserved by instruments of record or as now existing on said tract of land.

SURVEYOR NOTES:

- 1) All references to books, pages, maps and reception numbers are public documents on file at the Clerk and Recorders Office of Weld County, State of Colorado unless stated otherwise.
- 2) NOTICE: According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon (13-80-105 C.R.S.). Alles Taylor & Duke, LLC and/or Scott L. Ducommun will not be liable for more than the cost of this survey and then only to the Client specifically shown hereon or in our file by signed authorization; Acceptance and/or use of this instrument for any purpose constitutes agreement by the client to all terms stated hereon.
- 3) BASIS OF BEARINGS: The Bearing of North 00°01'57" West between the Southwest (SW.) Corner of Section 35 (monumented with a #6 rebar with a 3-1/4" aluminum cap L.S. 34995) and the West Quarter (W. 1/4) of Section 35 (monumented with a #6 rebar with a 3-1/4" aluminum cap L.S. 34995) is assumed.
- 4) All known easements and/or rights-of-way, have been shown on this plat. The easements and or rights-of-way which are shown hereon may not be complete, are based on general information, and are to be used only in this context.

EASEMENT & R.O.W. NOTES:

THE RECORDED EASEMENTS AND RIGHTS OF WAY INFORMATION SHOWN HEREON ARE AS LISTED IN THE WELD COUNTY ROADVIEWERS REPORTS AND TITLE REPORT PREPARED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY DATED 21 AUGUST, 2020; TITLE REPORT No. H0615101-B20-GRO-LVV. NO OTHER EASEMENT RESEARCH WAS PROVIDED AND NO EASEMENT RESEARCH WAS PERFORMED BY ME IN THE COURSE OF THIS SURVEY. NOTE: SOME UTILITIES MAY NOT BE PLACED WITHIN THE SHOWN RECORDED EASEMENTS, UTILITY LOCATES ARE RECOMMENDED TO DETERMINE THE LOCATION OF THE UNDERGROUND UTILITIES.

EASEMENT NOTES (REFER TO SCHEDULE B, PART II OF SAID TITLE REPORT)

- 1) Land Survey Plat recorded January 8, 2010 at Reception Number 3669106. (Exception #13) Notation: Easement/s shown as recorded on instrument of record.
- 2) ALTA/ACSM Land Title Survey recorded July 8, 2011 at Reception Number 3778598. (Exception #14) Notation: Easement/s shown as recorded on instrument of record.
- 3) Terms, conditions, provisions, agreements and obligations contained in the Easement Deed by Court Order in Settlement of Landowner Action as set forth below: Recording Date: March 15, 2013 Recording No.: 3917346 (Exception #15) Notation: The document does not contain sufficient information to determine location, therefore is not shown.
- 4) Terms, conditions, provisions, agreements and obligations contained in the Easement Deed by Court Order in Settlement of Landowner Action as set forth below: Recording Date: July 11, 2013 Recording No.: 3946861 (Exception #16) Notation: The document does not contain sufficient information to determine location, therefore is not shown.

PROPERTY OWNERS' CERTIFICATE:

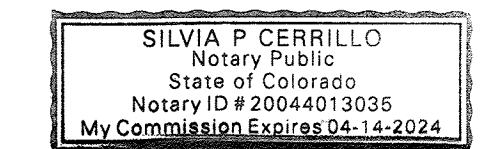
I (We), the undersigned, being the sole owners in fee of the above described property, do hereby subdivide the same as shown on the attached map. I (We) understand this property is located in the "A" (Agricultural) zone district and is also intended to provide areas for the conduct of other uses by right, accessory uses and uses by special review.

Philip D. Lukens
(Signature) Philip D. Lukens
Bree Lukens
(Signature) Bree Lukens

State of Colorado
County of Weld

This record was acknowledged before me on 12/06/2020 (DATE) by Philip D. Lukens and Bree Lukens

Silvia P. Cerrillo
Notary Public



My commission expires 04/14/2024

EASEMENT CERTIFICATE

We, Philip D. Lukens and Bree Lukens, do hereby dedicate for the benefit of the property shown or described hereon, easements for the purposes shown or described. Nothing contained herein or hereon shall be construed as creating any rights in the general public or as dedicating for public use the Easement area.

Philip D. Lukens
Bree Lukens
Philip D. Lukens
Bree Lukens

CERTIFICATE OF APPROVAL:

By the Department of Planning Services - Administrative Review:
This plat is accepted and approved by the Department of Planning Services for filing.

Richard
Director Department of Planning Services

State of Colorado
County of Weld)
)

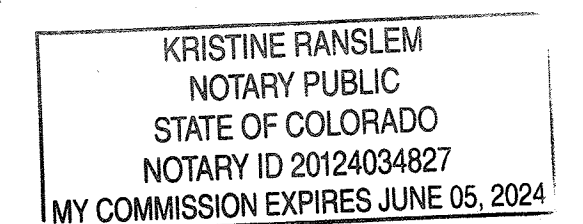
The foregoing certification was acknowledged before me this 06th day of

December 2020.

My commission expires: 1/6/24

Witness my hand and seal

Kristine Ranslem
Notary Public



SURVEYOR'S CERTIFICATE:

I, Scott L. Ducommun, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my personal supervision and checking. I further certify that the survey and this plat comply with all applicable rules, regulations and laws of the State of Colorado, State Board of Registration for Professional Engineers and Professional Land Surveyors, and Weld County.

Scott L. Ducommun
Scott L. Ducommun, L.S. 37041
For and on behalf of Alles Taylor & Duke, LLC
Job No. 2020-074
DATE: 7 Dec 2020



ALLES TAYLOR & DUKE, LLC
3610 35th Ave., Unit 6
Evans, Colorado 80620
(970) 330-0308
ENGINEERING & LAND SURVEYING SERVICES

DESIGNED BY: RP
DRAWN BY: SD
CHECKED BY: SD
DATE: 12/7/2020
PROJECT NO.: 2020-074

APPR.	SD	SD	SD	SD

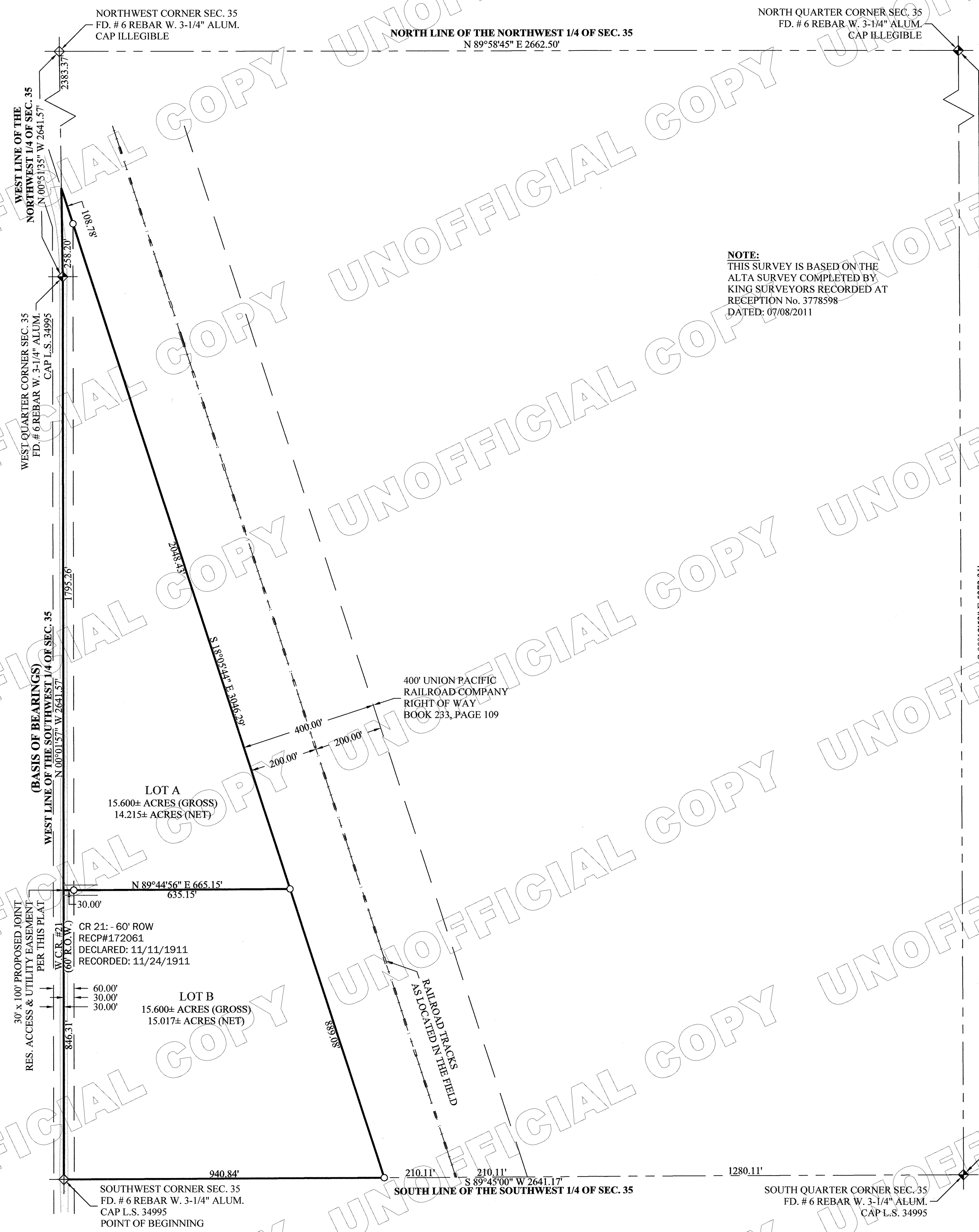
REVISIONS	DATE	DESCRIPTION	APPR.	SD	SD	SD	SD
1	11/13	First Draft					
2	11/25	Revisions per Review					
3	12/1	Revisions per County Review					
4	12/7	Final Mylar					

RECORDED EXEMPTION
PHILIP & BREE LUKENS
W.C.R. 21
CARR, CO 80612
COUNTY OF WELD
COLORADO
PART OF THE W. 1/2 OF SEC. 35, T. 11 N. R. 67 W.

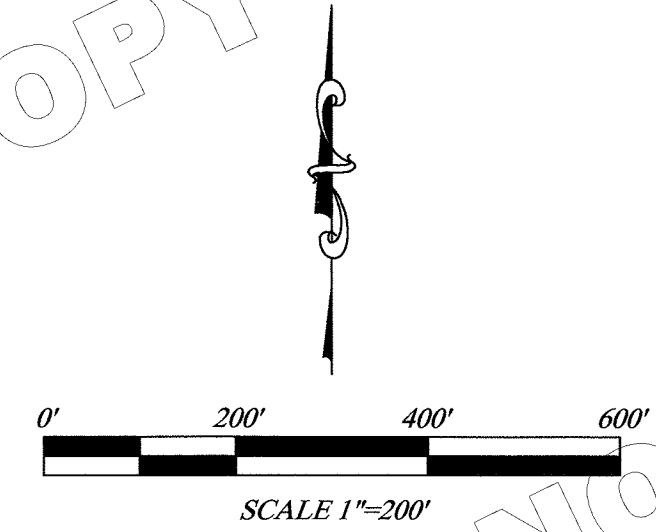
SCALE: AS NOTED
SHEET 1 OF 2

RECORDED EXEMPTION NO. 0201-35-3 RECX20-0104

PART OF THE WEST HALF OF SECTION 35, TOWNSHIP 11 NORTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 COUNTY OF WELD, STATE OF COLORADO



NOTE:
 THIS SURVEY IS BASED ON THE ALTA SURVEY COMPLETED BY KING SURVEYORS RECORDED AT RECEPTION No. 3778598 DATED: 07/08/2011



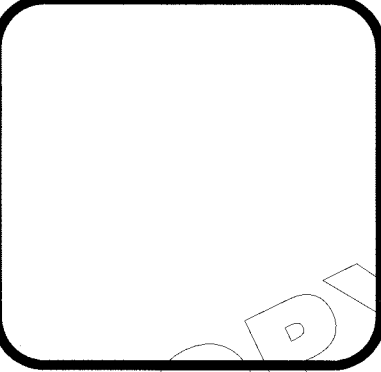
LINEAL UNITS STATEMENT
 All lineal distances are measured in feet and decimal feet units. (Surveyor's feet)

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Scott L. Ducommun
 Scott L. Ducommun, L.S. 37041
 For and on behalf of Alles Taylor & Duke, LLC
 Job No. 2020-073
 DATE: 12/10/2020



ALLES TAYLOR & DUKE, LLC
 3610 35th Ave., Unit 6
 Evans, Colorado 80620
 (970) 330-0308
 ENGINEERING & LAND SURVEYING SERVICES



DESIGNED BY:	RP
DRAWN BY:	SD
CHECKED BY:	SD
DATE	PROJECT NO.
12/17/2020	2020-074

#	DATE	REVISIONS	DESCRIPTION	APPROVE
1	11/13	1	First Draft	SD
2	11/25	2	Revisions per Review	SD
3	12/1	3	Revisions per County Review	SD
4	12/7	4	Final Mylar	SD

RECORDED EXEMPTION
PHILIP & BREE LUKENS
 W.C.R. 21
 CARR, CO 80612
 COUNTY OF WELD COLORADO
 PART OF THE W. 1/2 OF SEC. 35, T. 11 N. R. 67 W.

SCALE: 1" = 200'
 SHEET 2 OF 2