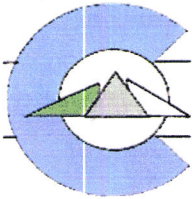


RECEIVED

AUG 26 2008

GARFIELD COUNTY
BUILDING & PLANNING



GARFIELD COUNTY
Building & Planning Department
108 8th Street, Suite 401
Glenwood Springs, Colorado 81601
Telephone: 970.945.8212 Facsimile: 970.384.3470
www.garfield-county.com

AMENDED AND CORRECTED PLATS APPLICATION

GENERAL INFORMATION

(To be completed by the applicant.)

- Street Address / General Location of Property: 1001 COUNTY ROAD 260
SILT, CO. 81652
- Legal Description: NW 1/4 OF SECTION 35, T.55, R. 92 W.
OF THE 6th P.M.
- Subdivision Name: ANTERS ORCHARD SUBDIVISION
- Description of Proposal: REFERENCE STEP 3 - BARRIE PROJECT
ADJUST NORTH BOUNDARY LINE OF A.D.D. TRACT 23
- Name of Property Owner: PHILIP A. & KATHRYN J. BARRIE
- Address: 5721 C.R. 233 Telephone: 970-274-1805
- City: SILT State: CO. Zip Code: 81652 FAX: 970-876-2677
- Name of Owner's Representative, if any (Planner, Attorney, etc):
REFERENCE STEP 3 - "BARRIE PROJECT"
- Address: _____ Telephone: _____
- City: _____ State: _____ Zip Code: _____ FAX: _____

STAFF USE ONLY

- Doc. No.: ACP11108 Date Submitted: 8-26-08 TC Date: _____
- Planner: _____ Hearing Date: _____
- Zone District: _____

Last Revised: 2/2006

I. PROCEDURAL REQUIREMENTS

A. One of the following 3 procedures shall apply to a request for an Amended or Corrected Plat.

1. Application for an amendment to a recorded plat may be made, if the amendment a) does not increase the number of subdivision lots or dwelling units, b) results in the major relocation of a road or add new roads, or c) does not result in the relocation of property lines between more than two adjacent properties.

An application for an amended plat shall be considered by the Board at a regularly scheduled public meeting. If approved, the amended plat shall comply with plat requirements outlined below (subsection B).

2. An application for an amendment to a plat of an existing subdivision, established prior to County subdivision regulations, that does not have an approved Preliminary Plan to verify the consistency with the proposed amended plat, or that results in the relocation of property lines between more than two (2) adjacent properties, shall be subject to the criteria and public meeting requirements as follows:

A. The Board shall not approve an application for an amended plat as mentioned above unless the applicant has satisfied the following criteria:

- 1) All Garfield County zoning requirements will be met;
- 2) All lots created will have legal access to a public right-of-way and any necessary access easements have been obtained or are in the process of being obtained;
- 3) Provision has been made for an adequate source of water in terms of both the legal and physical quality, quantity and dependability, and a suitable type of sewage disposal to serve each proposed lot;
- 4) All applicable state and local environmental health and safety requirements have been met or are in the process of being met;
- 5) Provision has been made for any required road or storm drainage improvements;
- 6) Fire protection has been approved by the appropriate fire district;
- 7) Any necessary drainage, irrigation or utility easements have been obtained or are in the process of being obtained; and
- 8) School fees, taxes and special assessments have been paid.

B. The Board shall consider the amended plat request at a public hearing.

The applicant shall be solely responsible for the publication, posting and mailing of all notices and shall present proof of publication and mailing at or before the meeting. **If proper notice has not occurred, the public hearing will not occur.** Notice for the meeting shall be given as follows:

- (1) Notice by publication, including the name of the applicant, description of the subject lot, a description of the proposed amendment and nature of the meeting, and the date, time and place for the hearing shall be given once in a newspaper of general circulation in that portion of the County in which the subject property is located at least thirty (30) but not more than sixty (60) days prior to the date of such meeting, and proof of publication shall be presented at hearing by the applicant.
- (2) Notice by mail, containing information as described in the paragraph above, shall be mailed to all owners of record as shown in the County Assessor's Office of lots within two hundred feet (200') of the subject lot and to all owners of mineral interest in the subject property at least thirty (30) but not more than sixty (60) days prior to such meeting time by certified return receipt mail, and receipts shall be presented at the meeting by the applicant.
- (3) The site shall be posted such that the notice is clearly and conspicuously visible from a public right-of-way, with notice signs provided by the Planning Department. The posting must take place at least thirty (30) but not more than sixty (60) days prior to the hearing date and is the sole responsibility of the applicant to post the notice, and ensure that it remains posted until and during the date of the hearing.

If approved, the corrected plat shall comply with the requirements outlined below (subsection B).

3. A correction may be made to an approved plat, if the sole purpose is to correct technical errors such as minor surveying errors and drafting errors, and the correction is consistent with the approved Preliminary Plan. Within thirty (30) days of being deemed in technical compliance, the corrected plat shall be brought before the Board at a regularly scheduled public meeting for review and decision.

If approved, the corrected plat shall comply with the requirements outlined below (subsection B).

B. Upon approval of an Amended or Corrected Plat by the Board, the following plat requirements shall apply:

A plat titled "Amended Final Plat of (subdivision name)" shall be signed and dated by the County Surveyor, then signed and dated by the Chairman of the Board, as a consent agenda item, at a regularly scheduled Board meeting, and recorded in the Clerk and Recorder's Office of Garfield County within ninety (90) days of Board approval.

The Amended Plat shall meet the minimum Colorado Revised Statutes ("CRS") standards for land survey plats, as required by Colorado state law, and approved by the County Surveyor and shall include at least the information as outlined in Section 5:22 [Final Plat Requirements] of the Garfield County Subdivision Regulations.

C. Application process steps:

1. Submit this completed application form, base fee, and all submittal requirements outlined below to the Garfield County Planning Department. It will be received and given to a Staff Planner who will review the application for technical compliance (completeness).

2. Once the application is deemed technically complete, the Staff Planner will send you a letter indicating the application is complete and will request additional copies for the Board to review. In addition, shall the request require a public hearing, Staff will also send you a "Public Notice Form(s)" indicating the time and date of your hearing before the Board. Prior to the public hearing, Staff will provide you with a Staff Memorandum regarding your requested amended or corrected plat.
3. The Applicant is required to appear before the Board at the time and date of the public hearing or public meeting at which time the Board will consider the request. Should the request require a public hearing, the Applicant shall provide proof, at the hearing, that proper notice was provided.
4. Once the Board makes a decision regarding the amended or corrected plat request, Staff will provide the Applicant with a follow-up letter outlining the action taken by the Board.

II. APPLICATION SUBMITTAL REQUIREMENTS

(The following steps outline how an amended or corrected plat application review process works in Garfield County.)

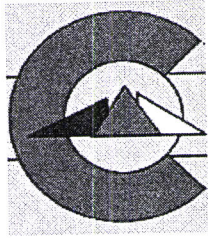
- A. The following application submittal requirements shall only be applicable to Procedure 1 and 3 listed above in the "Procedural Requirements" section of this application. The application for an amended plat or corrected plat shall be submitted with the following:
 1. A narrative explanation of the reason for the application.
 2. The consent of all land owners involved. Copy of the deed showing ownership of the parcel(s), or a letter from the property owner(s), if other than the applicant.
 3. A plat shall illustrate the parcel(s) prior to adjustment and subsequent adjustment.
 4. The Applicant shall sign the "Agreement For Payment" form and provide the Base Fee of \$100.00 with the application.
 5. Provide 2 copy of the Application. Staff will request additional copies once the application has been deemed technically complete.
- B. For Procedure 2 listed above in the "Procedural Requirements" section of this application, the following supplemental information shall be submitted with the application:
 1. Narrative explaining why the amended plat is being requested.
 2. A plat shall illustrate the parcel(s) prior to adjustment and following the adjustment. The plat shall delineated the fathering and receiving parcel(s) and/or boundary line(s) prior to adjustment, and the parcel(s) or boundary line(s) transferred/relocated following the adjustment.
 3. Copy of the deed showing ownership of the parcel(s), or a letter from the property owner(s), if other than the applicant.

4. Names and addresses of owners of record of land immediately adjoining and within two hundred feet (200') of the proposed amended plat, mineral owners and lessees of mineral owners of record of the property to be a part of the amended plat, and tenants of any structure proposed for conversion.
5. Evidence of the soil types and characteristics of each type.
6. Proof of legal and adequate source of domestic water for each lot created (which may consist of proof described in Section 8:42(D) of the Subdivision Regulations), method of sewage disposal, and letter of approval of fire protection plan from appropriate fire district.
7. If connection to a community or municipal water or sewer system is proposed, a letter from the governing body stating a willingness to serve.
8. The Applicant shall sign the "Agreement For Payment" form and provide the Base Fee of \$100.00 with the application.
9. Provide 2 copies of the Application. Staff will request additional copies once the application has been deemed technically complete.

I have read the statements above and have provided the required attached information which is correct and accurate to the best of my knowledge.

Kathryn J. Barrie
(Signature of Property Owner)

23 July 2008
Date



GARFIELD COUNTY
Building & Planning Department
108 8th Street, Suite 201
Glenwood Springs, Colorado 81601
Telephone: 970.945.8212 Facsimile: 970.384.3470
www.garfield-county.com

PRE-APPLICATION CONFERENCE SUMMARY

PLANNER: N/A

DATE: 1/13/09

PROJECT: Barrie Exemption

OWNER: Philip A. and Kathryn J. Barrie

REPRESENTATIVE: N/A

PRACTICAL LOCATION: Northwest of Silt off CR 260

TYPE OF APPLICATION: Amended Exemption Plat

I. GENERAL PROJECT DESCRIPTION

Request to:

1. Amend and Correct the Barrie Exemption Plat as recorded in 1990 under Reception # 413857. This is to correct a legal description error and identify the underlying Antlers Orchard Development (AOD) lots within the Exemption Plat.
2. Conduct a Boundary Line Adjustment (BLA) between neighboring property and "Parcel B". This BLA does not affect any AOD lots.
3. Amend the Barrie Exemption Plat to adjust the north and east boundary line of AOD Tract 23 and amend the boundary line of AOD Tract 11 to match with Parcel A. This is to remove the property line from the middle of an existing pond on Tract 23 and eliminate a very narrow sliver of land on the north and west sides of Parcel A.

II. REGULATORY PROVISIONS APPLICANT IS REQUIRED TO ADDRESS (DEVELOPMENT CODE / COMPREHENSIVE PLAN, STATE STATUTES, ETC.)

- Garfield County Unified Land Use Resolution of 2008

III. PROCESS

Amended Subdivision Final or Exemption Plat: The Administrative Review Process, detailed in Section 4-104 of Article IV, shall be used for review of a request to amend or correct a Final Plat modifying lot lines, building envelopes, easement locations or other interests. The following is an outline of that process:

1. Pre-Application Conference
2. Application
3. Determination of Completeness
4. Evaluation by the Director
5. Decision by Director

IV. APPLICATION TYPE

- General Administrative Permit
- Limited Impact Review (Amendment)
- Major Impact Review (Amendment)
- Minor Exemption (Amendment)
- Major Exemption (Amendment)
- Rural Land Development Option Exemption (Amendment)
- Variance
- Floodplain Development Permit
- Comprehensive Plan Amendment
- Vacating Public Roads & Rights-of-Way
- Boundary Line Adjustment
- Sketch Plan (Optional)
- Conservation Subdivision
- Preliminary Plan (Amendment)
- Final Plat (Amendment)
- Corrected Final Plat
- Combined Preliminary Plan & Final Plat
- Pipeline Development Plan (Amendment)
- Rezoning: Text Amendment
- Rezoning: Zone District Amendment
- Planned Unit Development (Amendment)
- Small Temporary Employee Housing
- Minor Temporary Employee Housing

- c. Public Hearing(s):
- None
 - Planning Commission
 - Board of County Commissioners
 - Board of Adjustment

c. Referral Agencies: (Division of Water Resources, Colorado Department of Transportation, etc.)

Staff has determined not to refer this to any agency.

V. APPLICATION REVIEW FEES

a. Planning Review Fees: \$100 (Waived)

b. Referral Agency Fees: \$None

c. Total Deposit: \$100 (additional hours may be billed) (Waived)


General Application Processing

Planner reviews case for completeness and sends to referral agencies for comments. Case planner contacts applicant and sets up a site visit. Staff reviews application to determine if it meets standards of review. Case planner makes a recommendation of approval, approval with conditions, or denial to the appropriate hearing body.

Disclaimer

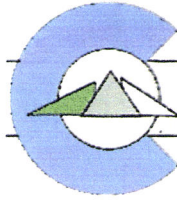
The foregoing summary is advisory in nature only and is not binding on the County. The summary is based on current zoning, which is subject to change in the future, and upon factual representations that may or may not be accurate. This summary does not create a legal or vested right.

Pre-application Summary Prepared by:


David Pesnichak, AICP

January 13, 2009

Date



GARFIELD COUNTY BUILDING AND PLANNING DEPARTMENT FEE SCHEDULE

Garfield County, pursuant to Board of County Commissioners ("Board") Resolution No. 98-09, has established a fee structure ("Base Fee") for the processing of each type of subdivision and land use applications.

The Base Fee is an estimate of the average number of hours of staff time devoted to an application, multiplied by an hourly rate for the personnel involved. The Board recognized that the subdivision and land use application processing time will vary and that an applicant should pay for the total cost of the review which may require additional billing. Hourly rates based on the hourly salary, and fringe benefits costs of the respective positions combined with an hourly overhead cost for the office will be used to establish the actual cost of County staff time devoted to the review of a particular project.

Actual staff time spent will be charged against the Base Fee. After the Base Fee has been expended, the applicant will be billed based on actual staff hours accrued. Any billing shall be paid in full prior to final consideration of any land use permit, zoning amendment or subdivision plan. If an applicant has previously failed to pay application fees as required, no new or additional applications will be accepted for processing until the outstanding fees are paid.

Checks, including the appropriate Base Fee set forth below, must be submitted with each land use application, and made payable to the Garfield County Treasurer. Applications will not be accepted without the required application fee. Base Fees are non-refundable in full, unless a written request for withdraw from the applicant is submitted prior the initial review of the application materials.

Applications must include an Agreement for Payment Form ("Agreement") set forth below. The Agreement establishes the applicant as being responsible for payment of all costs associated with processing the application. The Agreement must be signed by the party responsible for payment and submitted with the application in order for it to be accepted.

The complete fee schedule for subdivision and land use applications is attached.

GARFIELD COUNTY BUILDING AND PLANNING DEPARTMENT

AGREEMENT FOR PAYMENT FORM

(Shall be submitted with application)

GARFIELD COUNTY (hereinafter COUNTY) and KATHRYN J. BARRIE (KATHIE)
(hereinafter APPLICANT) agree as follows: (CONTACT PERSON)

1. APPLICANT has submitted to COUNTY an application for AMENDED BOUNDARY
LINE ADJUSTMENT PLAT (hereinafter, THE PROJECT).

2. APPLICANT understands and agrees that Garfield County Resolution No. 98-09, as amended, establishes a fee schedule for each type of subdivision or land use review applications, and the guidelines for the administration of the fee structure.

3. APPLICANT and COUNTY agree that because of the size, nature or scope of the proposed project, it is not possible at this time to ascertain the full extent of the costs involved in processing the application. APPLICANT agrees to make payment of the Base Fee, established for the PROJECT, and to thereafter permit additional costs to be billed to APPLICANT. APPLICANT agrees to make additional payments upon notification by the COUNTY when they are necessary as costs are incurred.

4. The Base Fee shall be in addition to and exclusive of any cost for publication or cost of consulting service determined necessary by the Board of County Commissioners for the consideration of an application or additional COUNTY staff time or expense not covered by the Base Fee. If actual recorded costs exceed the initial Base Fee, APPLICANT shall pay additional billings to COUNTY to reimburse the COUNTY for the processing of the PROJECT mentioned above. APPLICANT acknowledges that all billing shall be paid prior to the final consideration by the COUNTY of any land use permit, zoning amendment, or subdivision plan.

APPLICANT

Kathryn J. Barrie
Signature

Date: 22 July 2008

KATHRYN J. BARRIE
Print Name

Mailing Address: 5721 C.R. 233
SILT, CO. 81652

10/2004

Garfield County
Building and Planning Department
108 8th Street Suite 401
Glenwood Springs, Co. 81601

Date: 6/26/90

**"BARRIE PROJECT"
COVER LETTER**

To: Staff Planner, Building & Planning Board of Commissioners;

The purpose of this cover letter is to identify the contents of the above said project with clarification. 3 of 4 steps of said project are being submitted to the Board for approval.

Steps 1, 2 & 3 will stand independently with separate narratives, attachments and related Exhibits.

Step 4: Exemption from the Definition of Subdivision Application & related attachments are not included, but forthcoming at the appropriate time.

STEP 1. An Amended and Corrected Plat Application to correct a survey error recorded on the "BARRIE EXEMPTION PLAT"; described as a parcel of land situated in the NW1/4 of section 35, T.5S., R.92W. of the 6th P.M. and recorded on 6/22/1990, Reception#, 413857 in the Clerk Recorder's Office of Garfield County. A 20ft. water line easement adjustment for Parcel A is also addressed.

Applicable information listed in narrative.

STEP 2. Therefrom Board approval of STEP 1; a Boundary Line Adjustment Procedure to merge a recorded quit claim deed on said Plat.

Applicable information listed in narrative.

STEP 3. Therefrom Board approval of STEP 2; an Amended and Corrected Plat Application purposed by topographical consideration is submitted to adjust the boundary line of tract 23 Antlers Orchard Subdivision on said Plat.

Applicable information listed in narrative.

Summary: It is our consideration to submit these steps collectively because they are so closely related within the same said project. We felt they would maintain continuity and definition if reviewed in one process. i.e.: 3 entrées in the same dinner.

However; pursuant to past directives each is written and compiled as a separate procedure and can be submitted for approval accordingly.

Thank you for your consideration of this project.

Respectfully,

Philip A. Barrie
Philip A. Barrie (Tony)

Kathryn J. Barrie
Kathryn J. Barrie (Kathie)

Plat address: NW1/4 of Section 35, T.5S., R.92W. of the 6th P.M.

Legal address: 1001 County Road 260 Silt, Co. 81652

Residence address: 5721 County Road 233 Silt, Co. 81652

Title: Eagle Cross Ranch

Phone: (970)-876-2677 Cell# (970)-274-1805

Init. *PB*
KJ

Garfield County
Building and Planning Department
108 8th Street Suite 401
Glenwood Springs, Co. 81601

Date: 6/26/08
INIT. PS
AM

"BARRIE PROJECT"
STEP 3

To: Staff Planner, Building and Planning Board of Commissioners;
Re: Narrative for Amended and Corrected Plats Application as per:
I. Procedural Requirements-#1
II. Application Submittal Requirements- Section A

Purpose: To adjust the boundary line of Tract 23 of the Antlers Orchard Subdivision Development Company (A.O.D. Tract) recorded at the Clerk and Recorder's Office of Garfield County.

STEP 3--"BARRIE PROJECT"--for simplification and referral:

STEP 1. "AMENDED BARRIE EXEMPTION PLAT" is referenced as EXHIBIT D; and described as a parcel of land situated in the NW1/4 of Section 35, T.5S., R.92W. of the 6th P.M. with a legal address of 1001 County Road 260 Silt, Co. 81652; Reception# XXXXXX. Said Plat was submitted for approval, purposed by an Amended and Corrected Plat Application to clarify existing A.O.D. tracts; to amend the boundary line description of Parcel B on said Plat; and to provide an accurate legal description of a 20ft. waterline easement to Parcel A. Paul M. Butler and Linda R. Butler are recorded and rightful owners of Parcel A at said address.

STEP 2. A brief summary: An amended Plat, EXHIBIT E, is merging a quit claim parcel of land to Parcel B of said Plat-EXHIBIT D, pursuant to a Boundary Line Adjustment Procedure. For reference: Parcel of land conveyed is situated in the SE1/4SE1/4 of Section 34, Township 5 South, Range 92 West of the 6th P.M. Garfield County, Colorado. Quit claim transaction was made between Rose E. Gilmore and Mark A. Gilmore, Grantors, Philip A. Barrie and Kathryn J. Barrie, Grantees, recorded on 11/01/2007: Reception# 7365431. Corrected said quit claim transaction recorded on 3/21/2008: Reception# 745080.

STEP 3. Participating Parties and Representatives:

Paul M Butler	Philip A. Barrie
Linda R. Butler	Kathryn J. Barrie
Owners of record	Owners of record
Parcel A said address	Parcel B said address
(970)-876-5464	

Dave Nicholson-contracted surveyor	Tom Stuver-personal attorney
Divide Creek Surveyors Inc.	Stuver, LeMoine & Clifton P.C.
0029 Colo. River Rd.	120 West 3 rd Street
New Castle, Co. 81647	Rifle, Co. 81650
(970)-876-5632 Cell# (970)-355-9306	(970)-625-1887

The reason for the said purpose statement of this application is topographical. For reference;

EXHIBIT C: Antlers Orchard Development Company Plat#1 (1904 approx.) Garfield County approved copy

EXHIBIT F-1: Topography said Plat, Dave Nicholson said surveyor

EXHIBIT F-2: U.S.G.S. Silt quad map 1962 and a separate enlargement of a 'historical' pond site on A.O.D. Tract 23

As referenced, N. boundary line A.O.D. Tract 23 runs directly through the center of a partially spring fed pond and significant surrounding riparian areas. This would also affect the 'proposed' platted road of the said referenced A.O.D. Plat. Historically, this livestock pond has also been used for irrigation water, storage and delivery. Hence; if the north boundary line of A.O.D. Tract 23 is left as platted, new meaning would be given to the "Saga of the Hatfield's and McCoy's"!

Confrontation over the pond would be inevitable.

Referenced A.O.D. Tracts 7, 9, 10, 11 & 23 would be better served by a road constructed on the south and west boundary line of A.O.D. Tract 23. Upon future planning of road construction for said A.O.D. Tracts, our objective is to locate avenues that will least impact riparian areas throughout the platted area and engineered appropriately.

Where to; EXHIBIT G submitted for approval, is an Amended and Corrected Plat adjusting the north boundary line of A.O.D. Tract 23.

NOTE:

On EXHIBIT G we have referenced a parcel of land surrounding Parcel A as: "**No Man's Land**" This parcel came into existence because the purchase of said Plat via 'farm mortgage' required immediate sale of the 'historical' farmhouse residence plus five acres as a part of the purchase transaction.

A preferable option is to merge this "**No Man's Land**" to the boundary line of Parcel A, by adjusting the south boundary line of A.O.D. Tract 11 and the south and east boundary line of A.O.D. Tract 23.

However; this "clean up" does not fit within the guidelines of the Amended and Corrected Plat Application. To us; this seems to be a unique situation in a 'historical' subdivision. If adjusting the said boundary lines is a reasonable option, we have an additional EXHIBIT we can submit for approval at this time.

Summary: To submit an Amended and Corrected Plat Application amending EXHIBIT E of said Plat with a boundary line adjustment to the north boundary line of A.O.D. Tract 23.

Included with this Application:

1. Narrative and planning references
2. EXHIBIT E: For reference and review; an Amended Plat of said STEPS 1 and 2 of "Barrie Project"
3. EXHIBIT C: Antlers Orchard Development Company (1904 approx.) Garfield County approved copy
4. EXHIBIT F-1: Topography said Plat, said surveyor
F-2: U.S.G.S. Silt quad map 1962
5. EXHIBIT G: A proposed Boundary Line Adjustment Plat for A.O.D. Tract 23.
6. Consent of landowners Parcel A of said Plat, Paul M. Butler and Linda R. Butler of Garfield County
7. Copy of deeds to Parcel A and Parcel B of said Plat
8. Signed agreement For Payment and \$100.00 Base Fee
9. Two copies of Application

Thank you for your consideration of our "BARRIE PROJECT".

Respectfully,

Philip A. Barrie
Philip A. Barrie (Tony)

Kathryn J. Barrie
Kathryn J. Barrie (Kathie)

Plat address: NW1/4 of Section 35, T.5S., R.92W. of the 6th P.M.

Legal address: 1001 County Road 260 Silt, Co. 81652

Residence address: 5721 County Road 233 Silt, Co. 81652

Title: Eagle Cross Ranch

Phone: (970)-876-2677 Cell# (970)-274-1805

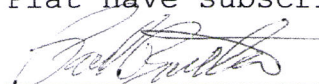
Init. *PB*
JB

"LETTER OF CONSENT" made this 26 day of JUNE, 2008

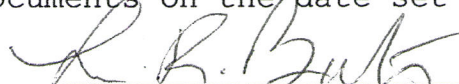
RE: Barrie Exemption Plat, a parcel of land situated in the NW1/4 of Section 35, Township 5 South, Range 92 West of the 6th P.M., is described in the records of Garfield County, Colorado, as Document No. 230536; said parcel of land including tracts numbered 6, 7, 8, 9, 10, 11, 23 and 24 in said Section 35 as shown on Plat No. 1 of the Antlers Orchard Development Company.

RE: Parcel A of said Plat is described as a parcel of land situated in the W1/2SE1/4NW1/4 of Section 35, Township 5 South, Range 92 West of the 6th P.M. County of Garfield, State of Colorado. Landowners of said Parcel A, Paul M. Butler and Linda R. Butler as joint tenants, with full right of survivorship, whose legal address is 1001 County Road 260, Silt, Co. 81652 of the County of Garfield and the State of Colorado as recorded in Book 783 Page 74 with a Reception# 414357 in the Clerk and Recorder's Office of Garfield County; do hereby consent to the items being submitted for approval by the Garfield County Board of Commissioners and listed in the foregoing instrument entitled "BARRIE PROJECT", together with all appurtenances thereto belonging or anywise appertaining. 7 Pages initialed.

In witness whereof, the said recorded landowners of said Parcel A of said Plat have subscribed the foregoing documents on the date set forth above.



Paul M. Butler

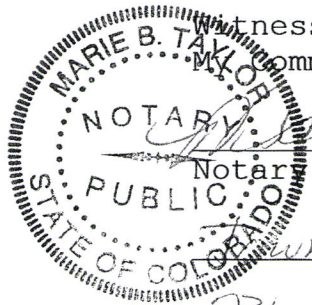


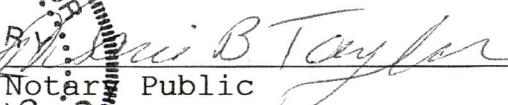
Linda R. Butler

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was subscribed before me in the County of Garfield, State of Colorado this 26 day of June, 2008 by Paul M. Butler and Linda R. Butler.

Witness my hand and official seal.
My Commission Expires 8-5-11





Notary Public

City of Silt

231 N. 7th St, Silt, CO 81652
Address

WARRANTY DEED

Arthur M. Guida and
L. Alice Collister
410 - 17th Street, Suite 880
Denver, Colorado 80202

GARFIELD
JUL 6 1990
State Doc. Fee
\$ 150⁰⁰

for the consideration of ten and more dollars, in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby sell, convey and warrant to

Philip A. Barrie and
Kathryn J. Barrie, as Joint Tenants
5721 County Road 233
Silt, Colorado 81652

the following described real property in the County of Garfield, State of Colorado, to-wit:

A parcel of land situated in the W $\frac{1}{2}$ NW $\frac{1}{4}$ and in the W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 35, Township 5 South, Range 92 West of the 6th P.M., as described in the records of Garfield County, Colorado, as Document No. 230536, said parcel of land including tracts numbered 6, 7, 8, 9, 10, 11, 23 and 24 in said Section 35 as shown on Plat No. 1 of the Antlers Orchard Development Company, said parcel of land is described as follows, to-wit:

Beginning at a rock corner found in place and properly marked for the Section Corner common to Sections 26, 27, 34 and 35 of said Township and Range; thence North 88°45'23" East along the Northerly line of said Section 35, 2009.45 feet to the Northeast Corner of said W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$; thence South 00°05'03" East along the Easterly line of said W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, 2679.44 feet to the Southeast Corner of said W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$; thence South 89°55'30" West along the Southerly line of said W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NW $\frac{1}{4}$ a distance of 1998.02 feet to the Southwest Corner of said W $\frac{1}{2}$ NW $\frac{1}{4}$ being the West Quarter Corner of said Section 35; thence North 00°19'25" West along the Westerly line of said Section 35 a distance of 2638.48 feet to the Northwest Corner of said W $\frac{1}{2}$ NW $\frac{1}{4}$, the point of beginning.

Also - the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 5 South, Range 92 West of the 6th P.M..

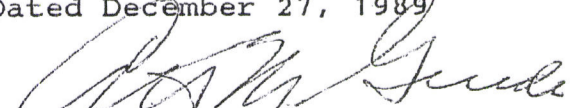
EXCEPT that portion conveyed to the Garfield County Commissioners in deed recorded April 3, 1950 in Book 249 at Page 343.

with all its appurtenances, and warrants title to the same.

It is the specific intent of the Grantors herein to convey by this instrument all of the mineral rights and all of the water rights that are owned by the Grantors. The Grantors shall pay the taxes for the year 1989, and the Grantee shall pay the taxes for the year 1990 and all subsequent years.

This Warranty Deed is subject to all existing instruments of record and all apparent easements.

Dated December 27, 1989


ARTHUR M. GUIDA

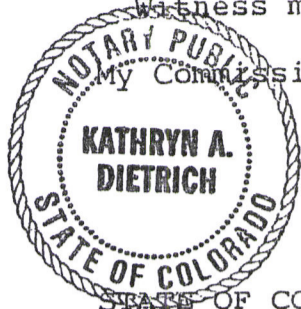

L. ALICE COLLISTER

STATE OF COLORADO)
)
CITY AND COUNTY OF DENVER) ss.

The foregoing instrument was acknowledged before me on December 27, 1989, by L. Alice Collister.

Witness my hand and official seal.

My Commission Expires August 13, 1991.



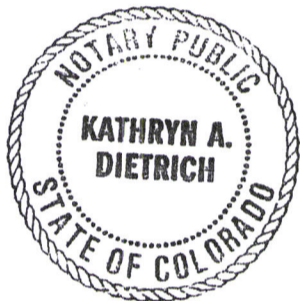
Kathryn A. Dietrich
Notary Public
Residing at 3336 S. Ammons Street
Lakewood, Colorado

STATE OF COLORADO)
)
CITY AND COUNTY OF DENVER) ss.

The foregoing instrument was acknowledged before me on December 27, 1989, by Arthur M. Guida.

Witness my hand and official seal.

My Commission Expires August 13, 1991.



Kathryn A. Dietrich
Notary Public

Return
Mr & Mrs Barrie
5721 C.R. 233
Silt, Co 81652

Recorded at 4:24 o'clock P M. JUL 6 1990
Reception No. 414357 Michael Aladay recorder.

BOOK 783 PAGE 74

3

WARRANTY DEED

THIS DEED, Made this 6th day of JULY 19 90 between PHILIP A. BARRIE AND KATHRYN J. BARRIE of the County of GARFIELD and State of

GARFIELD
JUL 6 1990
State Doc. Fee
\$ 5.00

Li-81
0.5

Colorado, grantor, and PAUL M. BUTLER AND LINDA R. BUTLER AS JOINT TENANTS, WITH FULL RIGHTS OF SURVIVORSHIP, whose legal address is 1001 COUNTY ROAD 260, SILT, CO 81652

of the County of GARFIELD and State of Colorado, grantee:

WITNESSETH, That the grantor for and in consideration of the sum of ***FIFTY THOUSAND AND NO/100*** DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of GARFIELD and State of Colorado described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

as known by street and number as: 1001 COUNTY ROAD 260, SILT, CO

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in, and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of in inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes assessments, encumbrances and restrictions of whatever kind or nature soever, except general taxes and assessments for the year 1990 and subsequent years, U. S. Patent reservations, any and all prior mineral reservations, easements, rights of way and restrictions, of record

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Philip A. Barrie
PHILIP A. BARRIE

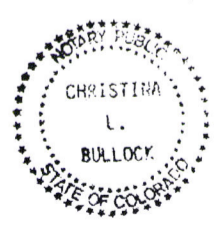
Kathryn J. Barrie
KATHRYN J. BARRIE

STATE OF COLORADO)
County of GARFIELD) ss.

The foregoing instrument was acknowledged before me this 6th day of JULY 1990 by PHILIP A. BARRIE AND KATHRYN J. BARRIE

My commission expires 10-14-91

Witness my hand and official seal.



Christina L. Bullock
Notary Public
400 7th Street South Suite 1000
Rifle, Co. 81650

1000

EXHIBIT "A"

A parcel of land situated in the West one-half of the Southeast one-quarter of the Northwest one-quarter (W1/2SE1/4NW1/4) of Section 35, Township 5 South, Range 92 West of the 6th Principal Meridian, County of Garfield, State of Colorado, being more particularly described as follows:

NOTE: For the purposes of this description all bearings contained herein shall be relative to North 00°19'25" West (assumed) between the West one-quarter corner and the Northwest corner of said Section 35, monumented by metal pipes and aluminum caps, found in place and properly marked.

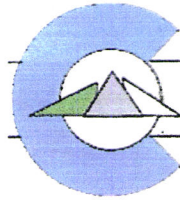
Beginning at the Northeast corner of said W1/2SE1/4NW1/4; thence along the East line of said W1/2SE1/4NW1/4, South 00°04'54" East 347.12 feet to a point 20.00 feet Northerly of, as measured at right angles to, the centerline of County Road 260 as constructed, said point being on a non-tangent curve to the right, the radius point of which bears North 37°49'02" West 170.00 feet; thence along the arc of said curve to the right 111.90 feet, through a central angle of 37°42'48" with a chord bearing of South 71°02'22" West 109.89 feet to a point of tangency on the projection of the Northerly right of way line of said County Road as described in Book 249 at Page 343 of the Garfield County Clerk and Recorder; thence along said right of way line, South 89°53'46" West 503.08 feet; thence North 00°06'14" West 286.69 feet to a rebar and plastic cap marked "18478 S&W Inc"; thence North 07°12'39" East 67.19 feet to a rebar and plastic cap marked "3317 S&W Inc." thence North 87°05'37" East 599.37 feet to the POINT OF BEGINNING.

TOGETHER WITH a 30.00 foot wide non-exclusive easement for ingress and egress lying 15.00 feet on each side of the following described centerline:

Commencing at the metal pipe and aluminum cap for the West 1/4 corner of said Section 35; thence North 55°30'00" East 1645.50 feet to a point on the Northerly line of the traveled surface of County Road 260 as constructed and in place, the POINT OF BEGINNING of the easement herein described; thence North 16°06'44" East 100.16 feet; thence North 04°39'55" East 56.11 feet; thence North 10°40'45" East 4.00 feet to the Westerly line of said Parcel A the POINT OF TERMINUS, with the sideline extended or shortened to terminate at said Westerly line.

TOGETHER WITH a 20.00 foot wide easement for a water line as constructed and in place lying 10.00 feet on each side of a centerline being generally described as follows:

Commencing at the metal pipe and aluminum cap for the West 1/4 corner of said Section 35; thence North 43°45'36" East 1673.44 feet to a well as constructed and in place; thence North 81°14'41" West 10.00 feet to the POINT OF BEGINNING of the easement herein described; thence South 81°14'41" East 49.49 feet; thence North 89°56'50" East 96.66 feet; thence North 88°06'33" East 49.29 feet; thence South 61°55'21" East 32.75 feet; thence North 80°00'00" East 18.03 feet to the Westerly line of said Parcel A, the POINT OF TERMINUS, with the sidelines extended or shortened to terminate at said Westerly line.



GARFIELD COUNTY BUILDING AND PLANNING DEPARTMENT FEE SCHEDULE

Garfield County, pursuant to Board of County Commissioners ("Board") Resolution No. 98-09, has established a fee structure ("Base Fee") for the processing of each type of subdivision and land use applications.

The Base Fee is an estimate of the average number of hours of staff time devoted to an application, multiplied by an hourly rate for the personnel involved. The Board recognized that the subdivision and land use application processing time will vary and that an applicant should pay for the total cost of the review which may require additional billing. Hourly rates based on the hourly salary, and fringe benefits costs of the respective positions combined with an hourly overhead cost for the office will be used to establish the actual cost of County staff time devoted to the review of a particular project.

Actual staff time spent will be charged against the Base Fee. After the Base Fee has been expended, the applicant will be billed based on actual staff hours accrued. Any billing shall be paid in full prior to final consideration of any land use permit, zoning amendment or subdivision plan. If an applicant has previously failed to pay application fees as required, no new or additional applications will be accepted for processing until the outstanding fees are paid.

Checks, including the appropriate Base Fee set forth below, must be submitted with each land use application, and made payable to the Garfield County Treasurer. Applications will not be accepted without the required application fee. Base Fees are non-refundable in full, unless a written request for withdraw from the applicant is submitted prior the initial review of the application materials.

Applications must include an Agreement for Payment Form ("Agreement") set forth below. The Agreement establishes the applicant as being responsible for payment of all costs associated with processing the application. The Agreement must be signed by the party responsible for payment and submitted with the application in order for it to be accepted.

The complete fee schedule for subdivision and land use applications is attached.

GARFIELD COUNTY BUILDING AND PLANNING DEPARTMENT BASE FEES

The following Base Fees shall be received by the County at the time of submittal of any procedural application to which such fees relate. Such Base Fees shall be in addition to and exclusive of any cost for publication or cost of consulting service determined necessary by the Board for the consideration of any application or additional County staff time or expense not covered by the Base Fee, which have not otherwise been paid by the applicant to the County prior to final action upon the application tendered to the County.

TYPE OF PROCEDURE	BASE FEE
Vacating Public Roads & Rights-of-Way	\$400
Sketch Plan	\$325
Preliminary Plan	\$675 + application agency review fees and outside consultant review fees, as authorized pursuant to the Regulations, such as the Colorado Geologic Survey
Final Plat	\$200
Amended Plat	\$100
Exemption from the Definition of Subdivision (SB-35)	\$300
Land Use Permits (<i>Special Use/Conditional Use Permits</i>)	
▪ Administrative/no public hearing	\$250
▪ Board Public Hearing only	\$400
▪ Planning Commission and Board review & hearing	\$525
Zoning Amendments	
▪ Zone District map amendment	\$450
▪ Zone District text amendment	\$300
▪ Zone District map & text amendment	\$500
▪ PUD Zone District & Text Amendment	\$500
▪ PUD Zone District Text Amendment	\$500
Board of Adjustment	
▪ Variance	\$250
▪ Interpretation	\$250
Planning Staff Hourly Rate	
▪ Planning Director	\$50.50
▪ Senior Planner	\$40.50
▪ Planning Technician	\$33.75
▪ Secretary	\$30
County Surveyor Review Fee (<i>includes review of Amended Plats, Final Plats, Exemption Plats</i>)	Determined by Surveyor\$
Mylar Recording Fee	\$11 – 1 st page \$10 each additional page

The following guidelines shall be used for the administration of the fee structure set forth above:

1. **All** applications shall be submitted with a signed Agreement for Payment form set forth below.
2. County staff shall keep accurate record of actual time required for the processing of each land use application, zoning amendment, or subdivision application. Any additional billing will occur commensurate with the additional costs incurred by the County as a result of having to take more time than that covered by the base fee.
3. Any billings shall be paid prior to final consideration of any land use permit, zoning amendment, or subdivision plan. All additional costs shall be paid to the execution of the written resolution confirming action on the application.
4. Final Plats, Amended or Corrected Plats, Exemption Plats or Permits will not be recorded or issued until all fees have been paid.
5. In the event that the Board determines that special expertise is needed to assist them in the review of a land use permit, zoning amendment, or subdivision application, such costs will be borne by the applicant and paid prior to the final consideration of the application. All additional costs shall be paid prior to the execution of the written resolution confirming action on the application.
6. If an application involves multiple reviews, the Applicant shall be charged the highest Base Fee listed above.
7. Types of "Procedures" not listed in the above chart will be charged at an hourly rate based on the pertinent planning staff rate listed above.
8. The Planning Director shall establish appropriate guidelines for the collection of Additional Billings as required.
9. This fee structure shall be revised annually as part of the County budget hearing process.

GARFIELD COUNTY BUILDING AND PLANNING DEPARTMENT

AGREEMENT FOR PAYMENT FORM

(Shall be submitted with application)

GARFIELD COUNTY (hereinafter COUNTY) and KATHRYN J. BARRIE (KATHIE)
(hereinafter APPLICANT) agree as follows: (CONTACT PERSON)

1. APPLICANT has submitted to COUNTY an application for AMENDED & CORRECTED
PLAT "BARRIE PROJECT - STEP 1" (hereinafter, THE PROJECT).
2. APPLICANT understands and agrees that Garfield County Resolution No. 98-09, as amended, establishes a fee schedule for each type of subdivision or land use review applications, and the guidelines for the administration of the fee structure.
3. APPLICANT and COUNTY agree that because of the size, nature or scope of the proposed project, it is not possible at this time to ascertain the full extent of the costs involved in processing the application. APPLICANT agrees to make payment of the Base Fee, established for the PROJECT, and to thereafter permit additional costs to be billed to APPLICANT. APPLICANT agrees to make additional payments upon notification by the COUNTY when they are necessary as costs are incurred.
4. The Base Fee shall be in addition to and exclusive of any cost for publication or cost of consulting service determined necessary by the Board of County Commissioners for the consideration of an application or additional COUNTY staff time or expense not covered by the Base Fee. If actual recorded costs exceed the initial Base Fee, APPLICANT shall pay additional billings to COUNTY to reimburse the COUNTY for the processing of the PROJECT mentioned above. APPLICANT acknowledges that all billing shall be paid prior to the final consideration by the COUNTY of any land use permit, zoning amendment, or subdivision plan.

APPLICANT

Kathryn J. Barrie
Signature

Date: 22 July 2008

KATHRYN J. BARRIE
Print Name

Mailing Address: 5721 C.R. 233
SILT, CO. 81652

10/2004

Abutting Property Owners for Barrie Property – 1-12-2009

JEWELL, OWEN GRANT

3483 COUNTY ROAD 233

RIFLE, CO 81650

212726300296

SMI LLLP &

NEEL, THOMAS H. & EMILY K.

PO BOX 700

GLENWOOD SPRINGS, CO 81602

212726300048

MOYER, SCOTT & RAMONA

PO BOX 1929

RIFLE, CO 81650

212735200074

SPAULDING, GLENN LEROY & STARLA S

409 SUMMER FALLS RD

SILT, CO 81652-9819

212735200069

POWELL, MARVIN KENT & SHAWNA RAYE

723 E 17TH STREET

RIFLE, CO 81650

212735200079

WAY, DAVID & BONNIE

5919 CNTY RD 233

SILT, CO 81652

212735300056

SILVIUS, VINCE K. & SAMANTHA A.

796 COUNTY ROAD 260

SILT, CO 81652-9544

212735300021

HUNT, NORMAN H. & VIRGINIA

5597 COUNTY ROAD 233

SILT, CO 81652-9543

212735300020

PATTON, CARRIE A

231 COUNTY ROAD 260

SILT, CO 81652

212734400347

MINNICK, LEONARD J & RUBY J (J/T)

535 COUNTY ROAD 260

SILT, CO 81652

212734100070

GILMORE, ROSE E & MARK A

539 COUNTY ROAD 260

SILT, CO 81652-9545

212734100297

TAYLOR, MARIE BETH & JAMES S

PO BOX 245

SILT, CO 81652-0245

212734100295

JEWELL, EDITH JANE

543 COUNTY ROAD 260

SILT, CO 81652

212727400298

BUTLER, PAUL M. & LINDA R.

1001 COUNTY ROAD 260

SILT, CO 81652-9547

212735200050

Mineral Estate – Lessees - 1/12/2009

Mineral Estate Owned by Surface Owner (Barrie)

Dolphin Energy Corporation

1331 17th Street, Suite 1050

Denver, CO 80202

Exxel Energy Corp.

609 West Hastings Street, 11th Floor

Vancouver, British Columbia V6B 4W4

Canada

Appollo Energy, LLC

1557 Ogden Street, Suite 300

Denver, CO 80218

Williams Production RMT Company

1515 Arapahoe Street, Tower 3, Suite 1000

Denver, CO 80202