

**TOWN OF MEAD, COLORADO  
RESOLUTION NO. 3-R-2005**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, GRANTING A SPECIAL USE PERMIT FOR THE DOUTHIT 16-26 WELL , LOCATED IN THE SE/4SE4, SECT. 26, T3N, R68W OF THE 6<sup>TH</sup> PM, COUNTY OF WELD, STATE OF COLORADO.**

**WHEREAS**, Kerr-McGee Rocky Mount Corporation, 1999 Broadway, Suite 3600, Denver, Colorado 80202 has made application in conformance with Article XIV, of Chapter 16 of the *Mead Municipal Code* for a Special Use Permit for the drilling of an oil and/or gas well within the Town of Mead, complete with the required filing fee and all required maps, plans, narratives, and supporting material; and

**WHEREAS**, following proper notice to the public, a public hearing on the application was held on January 31, 2005, at the regular meeting of the Board of Trustees, in conformance with Article XIV, of Chapter 16 of the *Mead Municipal Code*; and

**WHEREAS**, the Board of Trustees has determined that there is sufficient cause to approve the requested Special Use Permit for said oil and/or gas well;

**NOW THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

**Section 1. Findings of Fact.**

- a. The site plans for the well site are in substantial compliance with Section 16-14-40(c)(10) of the *Mead Municipal Code*; and
- b. The vicinity maps for the well site are in substantial compliance with Section 16-14-40(c)(11) of the *Mead Municipal Code*; and
- c. A map in substantial compliance with Section 16-14-40(c)(12) of the *Mead Municipal Code*, showing the proposed transportation route for E&P waste products, produced water, and produced liquid hydrocarbons from the well/production site to the preferred access to the State Highway system, has been provided; and
- d. A map in substantial compliance with Section 16-14-40(c)(13) of the *Mead Municipal Code*, showing the proposed transportation route for construction equipment and well drilling, completion and reworking equipment from the well/production site to the preferred access to the State Highway system, has been provided; and
- e. The written narrative for the well site has been provided and is in substantial compliance with Section 16-14-40(c)(14) of the *Mead Municipal Code*; and
- f. Evidence has been provided that the well site and production site are not located in a geological hazard or floodplain area; and

- g. Evidence has been provided that the well site and production site are not located within or adjacent to wildlife or natural area; and
- h. Evidence has been provided that the proposed well was granted an OGCC permit, Permit Number 20042494, on November 15, 2004, said permit having an expiration date of November 14, 2005.
- i. Following notice published in the *Longmont Daily Times-Call* on January 15, 2005, posted as required by law, and mailed to adjacent property owners on January 14, 2005, a public hearing on the application was held on January 31, 2005, at the regular meeting of the Board of Trustees, in conformance with Article XIV, of Chapter 16 of the *Mead Municipal Code*.

**Section 2. Conclusions and Order Approving the Issuance of a Oil and Gas Special Use Permit.**

- a. The application for a Oil and Gas Special Use Permit submitted by Kerr-McGee Rocky Mountain Corporation, 1999 Broadway, Suite 3600, Denver, Colorado 80202 for the Douthit 16-26 well to be located in the SE/4SE/4, Sec. 26, T3N,R68W of the 6<sup>th</sup> PM, County of Weld, State of Colorado, is in substantial compliance with the applicable sections of Article XIV, Chapter 16 of the *Mead Municipal Code*.”
- b. The Board of Trustees hereby determines that there is sufficient cause to approve the requested Special Use Permit for said oil and/or gas well.
- c. A Special Use Permit is hereby granted to Kerr-McGee Rocky Mount Corp., 1999 Broadway, Suite 3600, Denver, Colorado 80202, for the drilling of an oil and/or gas well to be identified as the Douthit 16-26 well, located in the SE/4SE/4, Sec. 26, T3N, R68W of the 6<sup>th</sup> PM, Weld County, Colorado.
- d. A Special Use Permit and Notice to Proceed for the Douthit 16-26 well is to be issued forthwith in accordance with the provisions of Article XIV, Chapter 16 of the *Mead Municipal Code*.
- e. The permit holder is responsible for the drilling, completion, operation, and abandonment of the well and appurtenant facilities and the restoration of the site in accordance with the regulations of the Colorado Oil and Gas Commission, with the regulations imposed by Article XIV, of Chapter 16 of the *Mead Municipal Code*, and with the representations presented in the application and with such conditions as may have been imposed by the Board of Trustees in their approval of this Special Use Permit, all of which are hereby incorporated and made a part of this Resolution.
- f. The term of this Special Use Permit shall be coterminous with the State of Colorado Well Permit Number 20042494, issued by the COGCC on November 15, 2004. Any extension of the permit granted by the COGCC, shall result in an automatic extension of the term of this special use permit equal to the extension granted by the COGCC.

**Section 3.** Any person, firm, corporation or legal entity that commits any act or omission in violation of any provision of Article XIV, of Chapter 16 of the *Mead Municipal Code*, or of the conditions and requirements of this Oil and Gas Special Use Permit may be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each day such violation continues shall constitute a separate violation.

**Section 4.** In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used, or any land is or is proposed to be used, in violation of any provision of Article XIV, of Chapter 16, of the *Mead Municipal Code*, or of the conditions and requirements of this Special Use Permit, the Town Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use.

**Section 5.** Should the Town prevail in any action for legal or equitable relief for a violation of the provisions of Article XIV, of Chapter 16 of the *Mead Municipal Code*, or of the conditions and requirements of this Oil and Gas Special Use Permit, in addition to any other penalties or remedies which may be available, the Town shall be entitled to recover any damages, costs of action, expert witness fees and reasonable attorney's fees incurred.

**Section 6. Effective Date.** This resolution shall become effective immediately upon adoption.

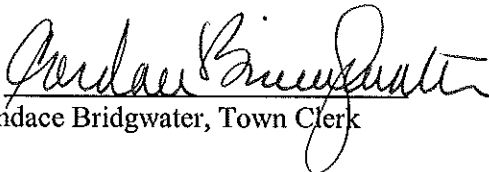
**Section 7. Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Resolution. The Board of Trustees hereby declares that it would have passed the Resolution including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

**Section 8. Repealer.** All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

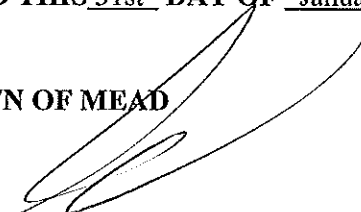
**Section 9. Certification.** The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 31st DAY OF January, 2005.**

**ATTEST:**

By   
Candace Bridgewater, Town Clerk

**TOWN OF MEAD**

By   
Richard E. Kraemer, Mayor