

May 4, 2022

***VIA E-MAIL***

City of Greeley  
Planning and Zoning  
1100 10<sup>th</sup> Street  
Greeley, CO 80631  
[Planning@greeleygov.com](mailto:Planning@greeleygov.com)

**NOTICE OF MINERAL INTERESTS AND OIL AND GAS LEASEHOLD  
INTERESTS OWNED BY ANADARKO LAND CORP., ANADARKO E&P  
ONSHORE LLC AND KERR-McGEE OIL & GAS ONSHORE LP AND  
OBJECTION**

Re: Delantero PUD Rezone (ZON2021-0009) and Preliminary PUD Plan  
(PUD20210013)  
Stratus Companies, LLC – Property Owner or “Applicant”  
Township 5 North, Range 67 West, 6th P.M.  
Section 15: S/2 and Part of the N/2  
Section 16: Part of the S/2  
Weld County, Colorado, as more particularly described on attached “Exhibit A”  
 (“Property”)

To Whom it may concern:

This objection and notice letter is submitted to Town of Greeley (“Town”) on behalf of Anadarko Land Corp. (“ALC”), Anadarko E&P Onshore LLC (“AEP”), and Kerr-McGee Oil & Gas Onshore LP (“KMOG”) with respect to the application for PUD rezoning and the application for Preliminary PUD Plan that has been filed with the Town by Stratus Companies, LLC (“Applicant”) for the property shown and listed above.

ALC and AEP (together the “Anadarko entities”) own the minerals that underlie the property located in Section 15. KMOG owns oil and gas leasehold interests in the Property.

The Anadarko entities and KMOG wish to give notice to the Town of the mineral interests and oil and gas leasehold interests they own under the Property and make the Town aware that the approval of a final application for zoning and preliminary PUD Plan may significantly impact the prospective development of the minerals and oil and gas interests that underlie the Property. The Anadarko Entities and KMOG object to the approval of a final application for development until agreements on surface use are reached among the Anadarko entities, KMOG and the Applicant covering the Property.

The following are comments in support of this Notice and Objection:

1. The Mineral Resources Owned by ALC

ALC owns all of the hard rock minerals, including the coal, that underlies Section 15. ALC has reviewed the Property for coal resource potential and determined that the Property is underlain with Laramie Formation coal.

2. The Oil and Gas Resources Owned by the Anadarko Entities.

The Anadarko entities together own all of the oil and gas that underlies Section 15, and Kerr-McGee owns oil and gas leasehold interests for the Property.

3. There is Clear Statutory Authority and Direction for the Town to Take Into Account the Rights of Mineral Interest Owners in Its Consideration of Applications for Development.

The State of Colorado recognizes the important rights of mineral owners and lessees in C.R.S. § 30-28-133(10) which states and acknowledges that both the mineral estate and the surface estate are interests in land and that the two interests are “separate and distinct.” The subsection specifically recognizes that the owners of subsurface mineral interests and their lessees have “the same rights and privileges as surface owners.”

4. Owners of Split Estates Must Exercise Their Rights in a Way that Gives Due Regard to the Rights of the Other.

Colorado law provides that the mineral owner has the right of reasonable access to and use of the surface estate to extract minerals and that the mineral estate owner and the surface estate owner are to give due regard to the rights of the other and reasonably accommodate each other’s rights.

5. The Anadarko Entities and KMOG Have Entered into Many Agreements with Developers With Respect to the Disposition of the Minerals at the Time that the Developer Proposes to Develop the Surface Estate, and the Public Interest is Served by the Parties Entering into Such an Agreement.

The mineral assets have significant value and consequently the Anadarko entities and KMOG are concerned that the approval by the Town of an application for development of the Property and the subsequent build-out of the Property may impair their ability to develop their minerals and oil and gas interests.

Any future surface development plans approved by the Town should incorporate and designate lands to be set aside for oil and gas development and expressly provide protection for future wells, pipelines, gathering lines and related oil and gas facilities and equipment.

Approval of any surface development plan that forecloses the rights of mineral and leasehold owners may be a compensable taking.

The Anadarko entities and KMOG have extensive mineral and oil and gas leasehold interests throughout the State of Colorado and have successfully worked with many parties who wish to develop the surface estate in order to assure the compatible development of the surface estate and the oil and gas estate or some other disposition of the minerals.

The practice of the Anadarko entities and KMOG is to meet with surface owners to reach a mutually acceptable surface agreement and agreement for the disposition of the hard rock mineral interests. The Anadarko entities and KMOG have been in discussions with the Applicant on this matter; however, no agreement has been reached to date. Because no agreement has been reached between the parties that covers the Property, and in order to protect their mineral and oil and gas interests and private property rights, the Anadarko entities and KMOG object to the application and request that the Town make any approval of a final application for development of the Property conditioned upon an agreement among the Anadarko entities, KMOG and the Applicant.

Please contact me at 720-929-3205 if you have any questions or comments about this matter. KMOG hopes to conclude a mutually acceptable agreement with the surface owner of the property, and we look forward to working with the City to accomplish its land use planning goals.

Sincerely,  
KERR-MCGEE OIL & GAS ONSHORE LP

Evan Johnson  
Land Negotiator

cc: Matt Hartford, Counsel  
Dave Haertel  
Don Jobe

# Exhibit A

## DESCRIPTION

A parcel of land in Section 15 and the South One-Half of Section 16, Township 5 North, Range 67 West, of the Sixth Principal Meridian, in the City of Greeley, County of Weld, State of Colorado, said parcel being more particularly described as follows:

**Basis of Bearings:** Bearings are based upon the East line of the Southeast One-Quarter of Section 15, said to bear South 00°30'20" East, a distance of 2628.83 Feet between the monuments listed below:

East One-Quarter Corner of Section 15 - monumented by a 3.25" Aluminum Cap, 0.5' down in a range box with no lid, stamped "COLO. DEPT. OF TRANSPORTATION, T5N R67W, ¼, S15 | S14, 1998, PLS 25951".

Southeast Corner of Section 15 - monumented by a 3.25" Aluminum Cap, 0.3' down in a range box with a lid marked "SURVEY", stamped "FLATIRONS SURVEYING, T5N R67W, S15 | S14, ---, S22 | S23, 1997, LS 16406".

**BEGINNING (P.O.B.)** at the West One-Quarter Corner of Section 15, monumented by a 2.5" Aluminum Cap, 0.4' below ground surface, stamped "ALLES AND ASSOCIATES, 1/4, T5N 16 | 15 R67W, 2000, PLS 9644", whence said East One-Quarter Corner of Section 15 bears North 89°45'46" East, a distance of 5186.11 Feet; Thence North 02°24'32" West along the West Line of Section 15, a distance of 2423.10 Feet to the South Right-of-Way Line of US Highway 34;

Thence along said South Right-of-Way Line of US Highway 34 the following ten (10) courses:

- 1) North 89°50'59" East, a distance of 592.38 Feet;
- 2) South 75°35'39" East, a distance of 675.40 Feet;
- 3) South 81°19'09" East, a distance of 1052.90 Feet;
- 4) South 82°01'54" East, a distance of 359.30 Feet;
- 5) South 81°58'45" East, a distance of 66.05 Feet to a point of non-tangent curve;
- 6) Northeasterly 904.74 Feet along the arc of a curve to the left, having a radius of 1295.90 Feet and a central angle of 40°00'05", subtended by a chord which bears North 71°27'15" East, a distance of 886.48 Feet;
- 7) North 65°34'45" East, a distance of 52.36 Feet;
- 8) South 87°17'25" East, a distance of 600.77 Feet;
- 9) South 73°48'57" East, a distance of 1027.87 Feet;
- 10) South 05°33'56" East, a distance of 300.47 Feet to the West Right-of-Way Line of Colorado State Highway 257;

Thence South 00°29'51" East along said West Right-of-Way Line (60' West of the East Line of said Section 15), a distance of 1705.32 Feet;

Thence South 00°30'20" East continuing along said West Right-of-Way Line, a distance of 2628.63 Feet to the South Line of said Section 15;

Thence South 89°41'29" West along said South Line of Section 15, a distance of 2489.11 Feet;

Thence South 89°41'33" West continuing along said South Line of Section 15, a distance of 1274.51 Feet to the East Line of a parcel of land described in the Warranty Deed recorded at Reception No. 2943083;

Thence along the East, North and West Lines of said parcel of land described in the Warranty Deed, the following four (4) courses:

- 1) North 01°56'51" West, a distance of 1317.32 Feet;
- 2) South 89°43'46" West, a distance of 1285.53 Feet;
- 3) South 89°27'35" West, a distance of 995.76 Feet;

- 4) South  $01^{\circ}55'29''$  East, a distance of 1288.72 Feet to the North Right-of-Way Line of County Road 56 (30' North of the South Line of said Section 16)

Thence South  $89^{\circ}25'53''$  West along said North Right-of-Way Line, a distance of 1677.75 Feet;

Thence South  $89^{\circ}25'48''$  West continuing along said North Right-of-Way Line, a distance of 2655.09 Feet to the East Right-of-Way Line of County Road 17 (30' East of the West Line of said Section 16);

Thence North  $00^{\circ}14'36''$  East along said East Right-of-Way Line, a distance of 2610.62 Feet to the North Line of said South One-Half of Section 16;

Thence North  $89^{\circ}28'56''$  East along said North Line of the South One-Half of Section 16, a distance of 5218.53 Feet to the **POINT OF BEGINNING (P.O.B.)**.

The above-described parcel description contains 35,587,874 Square Feet (816.985 Acres), more or less.