



COVENANT FOR AGRICULTURAL PURPOSES EXEMPTION

STATE OF WYOMING)
)ss.
COUNTY OF SHERIDAN)

The undersigned, being the Grantor and Grantees of a certain conveyance to which this Covenant is attached, being presented to the Sheridan County Clerk and Recorder for recording purposes, and all being of lawful age, and first duly sworn upon our oaths depose and state as follows:

1. That Grantor is the present owner of property described on Exhibit "A" which is attached hereto and made a part hereof and have this date delivered a Quitclaim Deed conveying Grantor's right, title and interest in and to such property to Grantees, and all of the parties hereto making application to the County Clerk of Sheridan County, Wyoming, to record such Deed pursuant to the agriculture exemption set forth in the State of Wyoming subdivision laws, and Grantor and Grantees hereby claiming that such conveyance is in fact exempt from the subdivision requirements set forth in such laws as well as other applicable County subdivision regulations for the reason that the lands described in this conveyance are agricultural lands, and the undersigned hereby stating and covenanting that such property as set forth on Exhibit "A" shall be used, except as described below, only for uses allowed in agricultural zones and/or as allowed under the variance granted by the Board of County Commissioners for Sheridan County in matter number V-10-03 as described in the Findings of Fact and Conclusions of Law entered on August 23, 2010, a copy of which is attached hereto as Exhibit B and made a part hereof (the "Variance").
2. The parties hereto understand and acknowledge that this Covenant (that the property will be used for agricultural purposes and for purposes allowed by the Variance) is binding upon the property and shall inure to the benefit of the respective successors, assigns and heirs of the Grantees. The undersigned further acknowledge that if the property is not used as stated and agreed herein, the Grantees may be subject to prosecution under the laws of the State of Wyoming and the Sheridan Subdivision Resolution. The parties further understand that the property will be used exclusively for agricultural purposes and for purposes allowed by the Variance until a proper request is made and the County grants a subdivision permit allowing this division of property for non-agricultural purposes, the County allows an additional variance, the County changes the zoning of the property, or a non-agricultural use is otherwise allowed by law. The Grantees specifically acknowledge that any future conveyance of the subject property will be subject to the Covenant contained herein.
3. The undersigned state and agree that they have executed this Covenant in good faith and not for the purpose of evading the Sheridan County Subdivision Resolution. Further, it is understood that this covenant shall have no bearing on taxation that the property may be subject to pursuant to Wyoming Statutes, Title 39.

DATED and signed this 7th & 11th day of April, 2011.

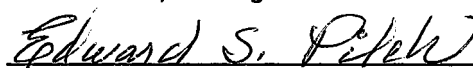


GRANTOR:

Pilch Ranch, LLC

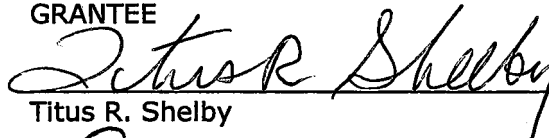


Joe A. Pilch, Manager

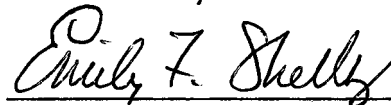


Edward S. Pilch, Manager

GRANTEE



Titus R. Shelby

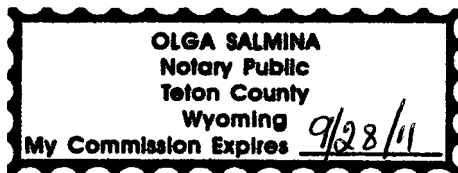


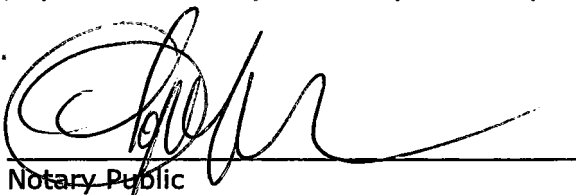
Emily F. Shelby

STATE OF WYOMING)
 : SS
 COUNTY OF TETON)

The foregoing Covenant for Agricultural Purposes Exemption was acknowledged before me this 11th day of April, 2011, by Titus R. Shelby and Emily F. Shelby.

WITNESS my hand and official seal.





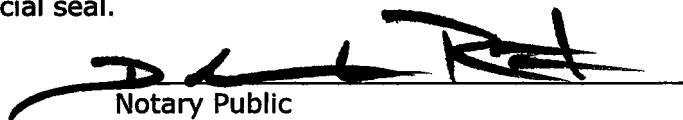
Notary Public

My Commission expires: 9-28-11

STATE OF WYOMING)
 : SS
 COUNTY OF SHERIDAN)

The foregoing Covenant for Agricultural Purposes Exemption was acknowledged before me this 7th day of April, 2011, by Joe A. Pilch, a manager of Pilch Ranch, LLC.

WITNESS my hand and official seal.



Notary Public

My Commission expires: _____





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EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK

STATE OF WYOMING)
 : SS
COUNTY OF SHERIDAN)

The foregoing Covenant for Agricultural Purposes Exemption was acknowledged before me this 7th day of April, 2011, by Edward S. Pilch, a manager of Pilch Ranch, LLC.

WITNESS my hand and official seal.


Notary Public

My Commission expires: _____

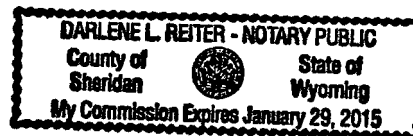




EXHIBIT "A"

A tract of land situated in the S1/2SE1/4 of Section 5, Township 57 North, Range 83 West, 6th P.M., Sheridan County, Wyoming, as shown on **EXHIBIT "B"** attached hereto and by this reference made a part hereof; said tract being more particularly described as follows:

Commencing at the southeast corner of said Section 5 (monumented with a 3" brass cap per PLS 529); thence N89°35'14"W, 1122.86 feet to the **POINT OF BEGINNING**, said point lying on a fence line and monumented with a 2" aluminum cap per PLS 5369; thence S89°34'49"W, 433.26 feet along said fence line to a point on the centerline of the Beatty Gulch Road (AKA County Road No.1231) and the east line of a tract of land described in Book 476 of Deeds, Page 746, said point witnessed by a 2" aluminum cap per PLS 5369 bearing N89°34'49"E, 30 feet; thence N04°20'40"E 433.34 feet along said centerline and said east line to a point witnessed by a 2" aluminum cap per PLS 5369 bearing N89°34'49"E, 30 feet; thence N89°34'49"E, 433.26 feet to a 2" aluminum cap per PLS 5369; thence S04°20'40"W, 433.34 feet to the **POINT OF BEGINNING**.

Said tract contains 4.30 acres of land more or less.

Bearings are based on the Wyoming Coordinate System, NAD 1983, East Central Zone.

Distances are surface.



BEFORE THE BOARD OF COUNTY COMMISSIONERS
SHERIDAN COUNTY, WYOMING

IN THE MATTER OF REQUEST FOR A VARIANCE) V-10-003
TO THE SHERIDAN COUNTY ZONING)
RESOLUTION BY THE PILCH RANCH/)
JOE & EDWARD PILCH)

APPLICATION

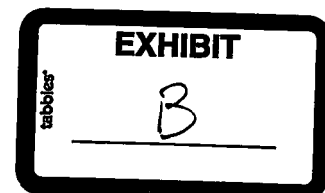
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before the Board of County Commissioners for the County of Sheridan, State of Wyoming (the "Board") on upon the application for a variance to the Sheridan County Zoning Resolution by Pilch Ranch/Joe and Edward Pilch (Applicant).

The Board heard testimony and argument, took judicial notice of the file in this matter, and being fully advised herein, issues the following findings of fact, and conclusions of law:

FINDINGS OF FACT

1. Applicant applied for a variance to the 35 acre minimum lot area per dwelling unit in the Agricultural zoning district of the Rules and Regulations Governing Zoning in Sheridan County. Applicant desires to transfer the development rights from an existing 4.3 acre non-conforming parcel to a more practical location.
2. A completed application for a variance and fee of \$450.00 was submitted May 18, 2010.
3. Applicant submitted stamped preaddressed envelopes for owners of property adjacent to the boundary of the property for which the variance is applied, and those owners have been notified.
4. Notice of the hearing in front of the Planning and Zoning Commission was published in the Sheridan Press.
5. Applicant is requesting a variance to the 35 acre minimum lot area per dwelling unit in the Agricultural zoning district of the Rules and Regulations Governing Zoning in Sheridan County to allow the Applicant to transfer the development rights from an existing 4.3 acre non-conforming parcel to a more practical location.
6. A hearing was held before the Planning and Zoning Commission on July 7, 2010. Applicant was present at that hearing.





7. The Planning and Zoning Commission recommended approval of the application.
8. Notice of a hearing before the Board was published in the Sheridan Press.
9. A hearing was held before the Board on July 20, 2010. Applicant was present at that hearing.
10. The file contains no letters or emails supporting this rezone.
11. The file contains no letters or emails objecting to this rezone.
12. Several persons commented at the public hearing in front of the Board. John Dewey, owner of neighboring property spoke in opposition to the proposal for reasons that he has been working to create a wind farm and did not want future residents to object to his project. David Smith of Lonabaugh and Riggs, representing the Shelby's said the request is to keep from petitioning the Board for a private road to access an isolated parcel. Robin DeBolt submitted a staff report stating that the application was complete having met the requirements of the Zoning Resolution and commented on the conditions recommended by the Planning and Zoning Commission.

CONCLUSIONS OF LAW

13. Applicant properly applied for a variance, proper notice was published, and hearings were held in accordance with the Sheridan County Zoning Resolution.
14. The applied for use is already allowed in the zoning district.
15. The variance is not contrary to the public welfare.
16. Special conditions do exist on the property.
17. A literal enforcement of the regulation does not result in an unnecessary hardship.
18. The proposed variance promotes promote the public health, safety, morals, and general welfare.

For the forgoing reasons, the application is **approved** with following condition:


1. A new legal description for the Pilch Ranch, LLC incorporating the existing Shelby parcel, be recorded in the Clerk's Office within 60 days of the newly created parcel being transferred to the Shelby's and a copy of the recorded deed be submitted to the Public Works Office/Planning Office.

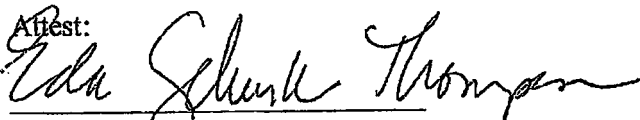


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BOOK: 524 PAGE: 405 FEES: \$26.00 DR AGREEMENT - LEGAL
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK

DATED: August 23, 2010.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming


Steve Maier, Chairman

Attest:

County Clerk

NO. 2011-687415 AGREEMENT - LEGAL

EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
LONABAUGH & RIGGS DRAWER 5059
SHERIDAN WY 82801

(SHELBY)