



COAN, PAYTON & PAYNE, LLC

William F. Garcia, Esq.
5586 W. 19th Street, Suite 2000
Greeley, CO 80634
970-339-3500
wgarcia@cp2law.com
www.cp2law.com

September 13, 2018

Nansi Crom, Mayor
Town of Pierce
P.O. Box 57
Pierce, CO 80650
**sent by email only to tqb@frii.com

Re: REP Processing, LLC application to Town of Pierce

Dear Honorable Mayor Crom and Pierce Board of Trustees:

REP Processing, LLC (“REP”) wishes to reaffirm its intent to seek annexation, subdivision and development of its natural gas processing facility in the Town of Pierce. Completion of this project in the Town of Pierce remains REP’s primary goal and anticipates providing additional tax base, jobs and secondary employment opportunities to the Town. This continued commitment to locating this project in the Town of Pierce is demonstrated most recently by the submittal of proposed dedication of right of way maps to the Town Engineer, Planner and Clerk this week, to be executed and recorded following approval of the project. Additionally, REP has listened to the concerns of surrounding property owners and will be submitting under separate cover a revised change of zone, increasing the amount of agricultural zoned property and shrinking the industrial footprint. This information will be presented at hearing in greater detail.

Based on the Town Board’s work session on Tuesday, September 4, 2018, REP has several concerns that could impact finalizing this primary goal. First, REP’s representatives have concerns that its fair hearing and procedural due process may not be observed, likely by mistake or misunderstanding, through Town Board members’ failure to observe the quasi-judicial role that they serve and avoid ex parte communications. Second, REP has scheduling pressures as a result of necessary contracts to serve that require timely handling of its application packet. Should the currently scheduled hearing on October 8, 2018 not resolve all requests within the application packet, this will result in a detrimental and unacceptable delay to this project.

In order to preserve its rights and ensure that its contractual obligations are met, REP intends to file a Use by Special Review application to Weld County on Friday, September 14, 2018. It is anticipated that the currently scheduled hearing on October 8, 2018 in the Town of Pierce will occur before a Weld County Planning Commission Hearing, which has not been scheduled. Should REP’s primary goal of annexation and receipt of all requested entitlements be achieved at the October 8, 2018 hearing, the Weld County application can be withdrawn. Should there be additional procedural due process concerns or a delay beyond the October 8, 2018

hearing, REP would consider withdrawing its application to the Town of Pierce and pursuing its application through Weld County.

Again, REP looks forward to annexation into the Town of Pierce and demonstrating its commitment to being a great corporate citizen of the Town. Thank you very much for your continued consideration and professionalism.

Sincerely,

Coan, Payton & Payne, LLC

A handwritten signature in blue ink, appearing to read 'WFG', followed by a horizontal line.

William F. Garcia

cc: Don Hoff, Town Attorney
dhoff@nocoattorneys.com