

OAK LEAF SOLAR 39 LLC  
2645 E 2ND AVE  
SUITE 206  
DENVER CO 80218

RJN

PARTIAL RELEASE  
05/22/2020 08:13 AM RF: \$38.00 DF: \$0.00  
Arapahoe County Clerk, CO  
Page: 1 of 6  
Joan Lopez, Clerk & Recorder

E0060686

## PARTIAL SURFACE RELINQUISHMENT ACKNOWLEDGEMENT

STATE OF COLORADO §  
COUNTY OF ARAPAHOE §

KNOW ALL PERSONS BY THESE PRESENTS:

This PARTIAL SURFACE RELINQUISHMENT ACKNOWLEDGMENT ("Acknowledgement") is effective this \_\_\_\_\_ day of June, 2019, by and between **PIONEER SAND COMPANY, INC.**, a Colorado corporation whose address is Attn: Russ Bartz, 630 Plaza Drive, Suite 150, Highlands Ranch Colorado, 80129, its successors and assigns ("First Party") and Oak Leaf Solar 39 LLC, a Delaware limited liability corporation whose address is 2645 East 2<sup>nd</sup> Ave, Suite 206, Denver, CO 80218, its successors and assigns ("Second Party").

### RECITALS

1. First Party, is the present owner of that certain Paid-Up soil and gravel Lease (the "Soil and Gravel Lease") filed under Reception Number **D8062470** in the office of the Clerk and Recorder of Arapahoe County, Colorado.
2. Second Party, is the present owner of that certain Solar Energy Development and Operations Lease Agreement dated February 22, 2019 (the "Solar Agreement") with Rhonda Webber as Landowner, the short form of such Solar Agreement filed under Reception Number E0049838 in the office of the Clerk and Recorder of Arapahoe County, Colorado.
3. The lands which are subject to this Acknowledgement are limited to those leased surface lands subject to the Solar Agreement that are thoroughly described in **Exhibit A-1** and depicted on **Exhibit A-2** which are attached hereto and hereinafter referred to as the "Subject Land." The Subject Land does not include the subsurface estate or mineral estate underlying the land depicted on **Exhibit A-2**, and described in **Exhibit A-1**.
4. This Acknowledgement relates to the First Party and Second Party, collectively being referred to as both "Parties", surface use of Subject Lands for the duration of which the Solar Agreement and the Soil and Gravel lease are in effect.

**NOW, THEREFORE**, in consideration of the premises and the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Upon execution of this Acknowledgment, First Party does hereby relinquish unto the Second Party the surface rights of Subject Lands down to a depth of fifty (50) feet, the

right to enter upon the surface of said Subject Lands to explore for and remove the minerals by virtue of the subsurface estate or mineral estate underlying the lands, and First Party further waives all surface rights to the Subject Lands under the Soil and Gravel Lease, any surface use agreement, and common law. Notwithstanding anything to the contrary in the Soil and Gravel Lease and any surface use agreement affecting the Subject Lands, the First Party shall not adversely impact subjacent support for the Subject Lands or otherwise interfere with the Second Party's use of the surface of the Subject Lands, and Second Party specifically acknowledges that neither its Solar Agreement nor this Acknowledgement implies any claim by the Second Party to the mineral rights of the Subject lands either during the term of the Solar Agreement or after.

This Acknowledgment is mutually binding with regard to the use of the Subject Lands, and this Acknowledgement is not a termination of or relinquishment of any part of the underlying Soil and Gravel Lease or the surface and subsurface rights outside of said Subject Lands. First Party is only giving up its surface and subsurface rights on and underneath the Subject Lands during the term of the Solar Agreement, after the termination of which, such surface and subsurface rights contained in the First Party's Soil and Gravel Lease shall be available to the First Party.

This Acknowledgement may be freely assigned, in whole or in part, by the Second Party.

This Acknowledgement may be executed in two or more original counterparts, all of which together will constitute one and the same agreement.

**[SIGNATURE AND ACKNOWLEDGEMENT PAGE FOLLOWS]**

FIRST PARTY:

**PIONEER SAND COMPANY, INC, a Colorado corporation**

By: [Signature]  
Name: Kevin Guzik  
Title: COO

SECOND PARTY:

By: [Signature]  
Name: John H. Ford  
Title: CEO

**Acknowledgements**

STATE OF Colorado §  
COUNTY OF Douglas §

The foregoing instrument was acknowledged before me this 2 day of Dec, 2019 by Kevin Guzik as COO of Pioneer Sand Company, Inc, a Colorado Corporation

My Commission expires: April 4, 2023

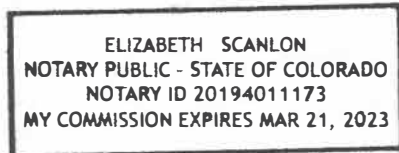
DEENA L HARRIS  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20194013105  
MY COMMISSION EXPIRES APRIL 4, 2023

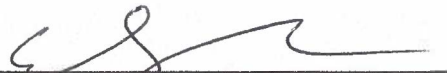
[Signature]  
Notary Public

STATE OF Colorado §  
COUNTY OF Denver §

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of May, 2020 by John Herzford, as CEO of Oak Leaf Energy & Solar 39 LLC.

My Commission expires: March 21, 2023



  
Notary Public  
Elizabeth Scanlon

**EXHIBITS A-1**  
**Legal Description – Oak Leaf Solar 39 LLC Solar Energy Facility**

**LEASE AREA LEGAL DESCRIPTION:**

A PORTION OF THAT PERCEL OF LAND AS DESCRIBED IN QUITCLAIM DEED, RECORDED FEBRUARY 21, 2019, AT RECEPTION NO. D9014932 IN THE OFFICIAL RECORDS OF ARAPAHOE COUNTY, COLORADO, BEING A PORTION OS THE SOUTH HALF OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 64 WEST OF THE 6TH P.M., BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34, BEING MONUMENTED WITH A NO. 6 REBAR WITH A 3-1/4" ALUMINUM CAP, PROPERLY MARKED, "PLS 30087"; THENCE N37°04'25"W (BASIS OF BEARING IS THE SOUTH LINE OF SAID SECTION 34, MONUMENTED AT THE EAST END, THE SOUTHEAST CORNER OF SAID SECTION, BY A #6 REBAR WITH A 3-1/4" ALUMINUM CAP, PROPERLY MARKED, "PLS 30087" AND AT THE WEST END, THE SOUTHWEST CORNER OF SAID SECTION, BY A #6 REBAR WITH A 3" ALUMINUM CAP, PROPERLY MARKED, "PLS 6935", HAVING A MEASURED BEARING AND DISTANCE OF N89°27'07"W, 5276.39', A DISTANCE OF 664.81 TO THE POINT OF BEGINNING; THENCE ALONG THE FOLLOWING SIX (6) COURSES.

1. N90°00'00"W, A DISTANCE OF 671.87 FEET,
2. N00°00'00"W, A DISTANCE OF 662.85 FEET,
3. N90°00'00"E, A DISTANCE OF 622.08 FEET,
4. S15°22'09"E, A DISTANCE OF 483.64 FEET,
5. S57°54'05"W, A DISTANCE OF 92.54 FEET,
6. S00°00'00"E, A DISTANCE OF 147.33 FEET,

TO THE POINT OF BEGINNING.

THIS PROPERTY CONTAINS A CALCULATED AREA OF 453,946 SQUARE FEET (10.421 ACRES) MORE OR LESS.

**PROJECT DESCRIPTION**

1.5 MW-AC (2.0 MW-DC) SINGLE-AXIS TRACKER SOLAR PROJECT

PROJECT AREA: ±11.15 ACRES INCLUDING "LIMITS OF CONSTRUCTION"

MODULE QUANTITY: 5,400 MODS. (QUANTITIES MAY VARY)

PARCEL NUMBER: 1979-00-0-00-406





EXHIBIT C  
MINE PLAN MAP

S1/2, SECTION 34, TOWNSHIP 4 SOUTH, RANGE 64  
WEST OF THE 6TH P.M.  
ARAPAHOE COUNTY, COLORADO

JAY L. & LISA MARIE KEITH  
3020 S. ULM ST.  
WATKINS, CO 80137-8837

RHONDA WEBBER ET. AL.  
3035 S. MANILA ROAD  
WATKINS, CO 80137-8824

RHONDA WEBBER  
3035 S. MANILA ROAD  
WATKINS, CO 80137-8824

RHONDA WEBBER ET. AL.  
3035 S. MANILA ROAD  
WATKINS, CO 80137-8824

JAMES A. &  
LYNNE A. BILISOLY  
PO BOX 14  
WATKINS, CO 80137-0014

MARTIN P. FISCHER  
1280 BIXBY ROAD  
MOUNDS, OK 74047-5336

MARTIN P. FISCHER  
1280 BIXBY ROAD  
MOUNDS, OK 74047-5336

JOHN FRANCIS  
3500 S. ULM ST.  
WATKINS, CO 80137-9300

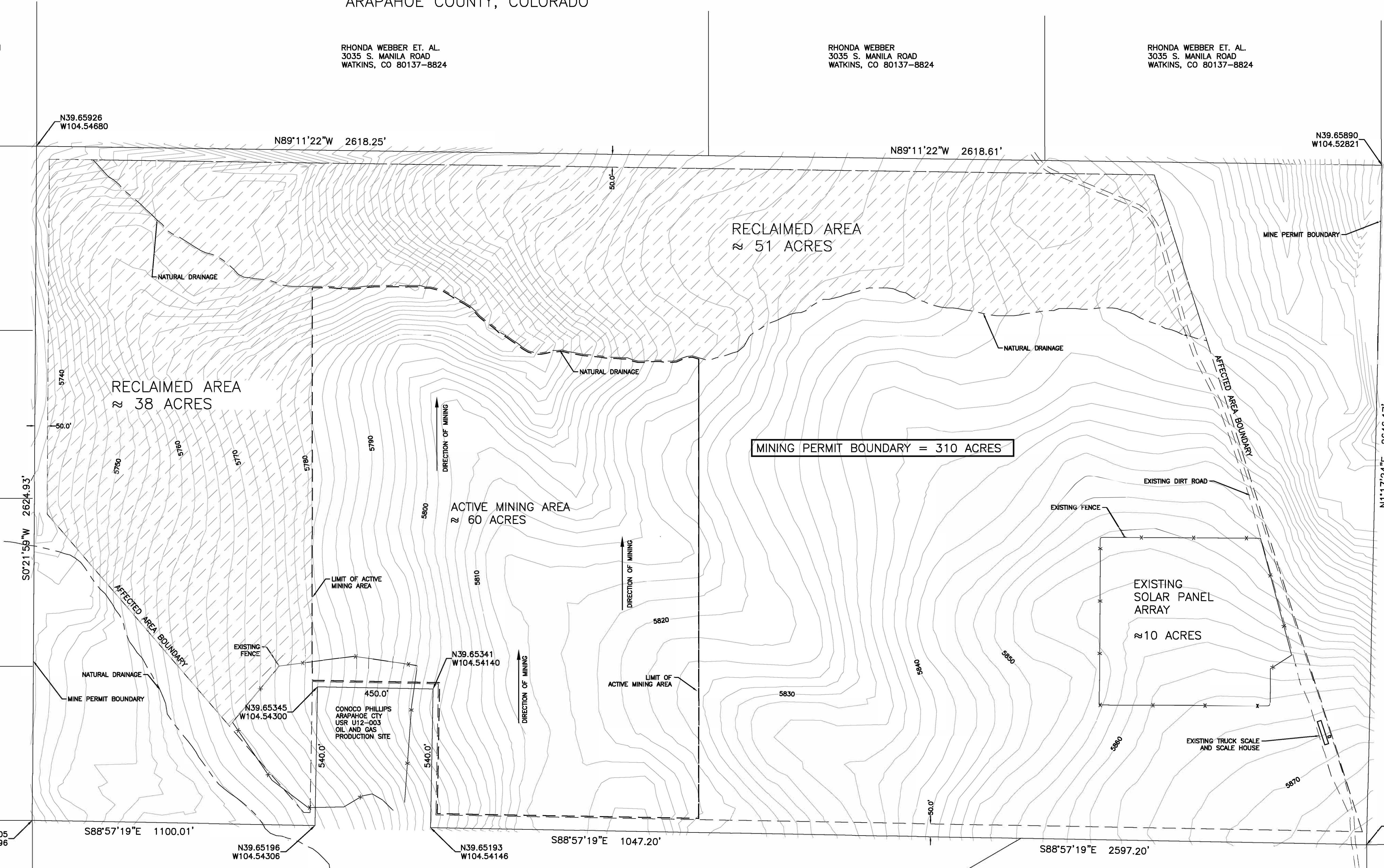
STEPHEN TEBO  
PO BOX T  
BOULDER, CO 80306-1966

STEPHEN TEBO  
PO BOX T  
BOULDER, CO 80306-1966

STEPHEN TEBO  
PO BOX T  
BOULDER, CO 80306-1966

KEVIN D. & TAMY J. KNIGGE  
3551 S. LOOKOUT HILL RD.  
WATKINS, CO 80137-7191

JOSE OLIVAS  
CARMEN MENENDEZ  
954 S. RICHFIELD WAY  
AURORA, CO 80017-3219



REVISIONS			
NO.	DATE	BY	
1			
2			
3			
4			
DRAWN BY: JEK		CHECKED BY:	APPROVED BY:
SCALE VERIFICATION BAR IS 1" INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY. 1" 0			
REUSE OF DOCUMENT THIS PLAT IS CERTIFIED ONLY TO THE PARTIES NAMED HEREON AND REMAINS THE PROPERTY OF RED ROCK LAND SURVEYS, INC. RED ROCK LAND SURVEYS, INC. DOES NOT WARRANT THE ACCURACY OR CORRECTNESS OF THIS PLAT SHOULD NEW OR UNDISCOVERED FACTS EMERGE. USE OF THIS PLAT BY OTHER THAN CERTIFICATE HOLDER IS AT YOUR OWN RISK.			
PREPARED FOR: PIONEER			
2021 MAP PIONEER FARM 3333 S. MANILA RD. WATKINS, CO 80137			