

**Lincoln County  
Land Use Office  
P.O. Box 39  
Hugo, Colorado 80821**

**Ph. 719-743-2337  
Fax 719-743-2815**

October 21, 2013

Division of Reclamation, Mining and Safety  
c/o Michael Cunningham  
1313 Sherman Street, Room 215  
Denver, Colorado 80203

Re: Kyle Railroad

Michael:

Please find enclosed the structure agreement between Lincoln County, and the Kyle Railroad. The railroad was determined to be within 200' of the new proposed border of the Hoffman Pit (M-2005-044) and therefore requires this documentation.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John DeWitt", followed by a long horizontal line.

John DeWitt  
Land Use Administrator  
Lincoln County

**RECEIVED**

OCT 24 2013

DIVISION OF RECLAMATION  
MINING AND SAFETY

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## Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

*The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.*

**The following structures are located on or within 200 feet of the proposed affected area:**

1. **Railroad Track (Kyle Railroad)**
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

*(Please list additional structures on a separate page)*

## CERTIFICATION

The Applicant, Lincoln County, by John DeWitt, as Land Use Administrator, does hereby certify that Kyle Railroad shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for Hoffman Pit \_\_\_\_\_, File Number M--2005--044. This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

### NOTARY FOR PERMIT APPLICANT ACKNOWLEDGED BY:

Applicant: Lincoln County Representative Name: John DeWitt

Date: October 8, 2013

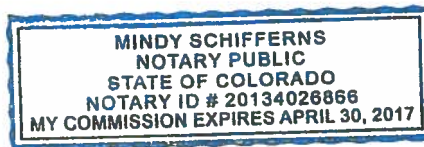
Title: Land Use Administrator

STATE OF Colorado )  
COUNTY OF Lincoln ) ss.

The foregoing was acknowledged before me this 8 day of October, 2013, by

John DeWitt as Land Use Administrator of Lincoln County

Mindy Schifferns My Commission Expires: April 30, 2017  
Notary Public



**NOTARY FOR STRUCTURE OWNER**

ACKNOWLEDGED BY:

Structure Owner Kyle Railroad Company Name Michael Corbett

Date 10/17/2013 Title Real Estate Manager

STATE OF Florida )  
COUNTY OF Duval ) ss.

The foregoing was acknowledged before me this 17 day of October, 2013, by  
Michael Corbett as Real Estate Manager of Kyle Railroad Company.

Bonnie D. Hatfield My Commission Expires: 10-30-2015  
Notary Public

