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# STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY  
Department of Natural Resources

1313 Sherman St., Room 215  
Denver, Colorado 80203  
Phone: (303) 866-3567  
FAX: (303) 832-8106



50-02

## APPLICATION FORM FOR TRANSFER OF MINERAL PERMIT AND SUCCESSION OF OPERATORS

### ADMINISTRATIVE INFORMATION

#### Permit Information

Permit Number: M-1992-051

112c

Operation Name: Florence Sand & Gravel

INCOMPLETE  
RECEIVED

#### Permittee Information

Contact Person: Sheila Rodarmel

DEC 21 2015

Company Name: Florence Sand & Gravel Pit

Division of Reclamation,  
Mining & Safety

Street Address: 799 5th Street

City: Penrose

State: Colorado

Zip: 81240

Phone: ( 719 ) 372-6025

Email (optional): \_\_\_\_\_

✓ Ann Rep Clw 8/4/15  
due 8/11/16

#### Prospective Successor Information

Contact Person: Mike Langston

Company Name: Langston Concrete, Inc.

✓ NO Infore or  
min Infrac

Street Address: 902 South Union Street

City: Florence

State: Colorado

Zip: 81226

Phone: ( 719 ) 784-3878

Email (optional): mlangston@newlci.com

112c  
private

Other Reclamation Permits held by Prospective Successor (if applicable):

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### **DESIGNATION OF REVIEW TIMELINE**

As explained above, the Permittee and Prospective Successor may waive their right to receive a decision on an Application within 30 days in order to allow the Division to calculate the required Financial Warranty before issuing its decision. Permittee and Prospective Successor must initial one of the following two options to designate their choice. If Permittee and Prospective Successor cannot agree, the Division will render its decision within 30 days.


\_\_\_\_\_  
Permittee

\_\_\_\_\_  
Prospective Successor

I have reviewed the information provided in this Application Packet, as well as the applicable Act and Rules. Having been fully informed, I wish to WAIVE MY RIGHT TO A DECISION ON MY APPLICATION WITHIN 30 DAYS.

  
\_\_\_\_\_  
Permittee

\_\_\_\_\_  
Prospective Successor

  
\_\_\_\_\_  
Prospective Successor

I have reviewed the information provided in this Application Packet, as well as the applicable Act and Rules. Having been fully informed, I wish to MAINTAIN MY RIGHT TO A DECISION ON MY APPLICATION WITHIN 30 DAYS.

The Prospective Successor must provide an adequate Financial Warranty or *conditional* replacement Financial Warranty, consistent with the designation above. Hard Rock and Construction Materials Rule 4.3 describes the various acceptable types of Financial Warranties. Each Financial Warranty must be submitted on the Board's approved forms (available online at <http://mining.state.co.us/Mineral%20Forms.htm>).

## **DUE DILIGENCE CERTIFICATION**

The Board wishes to ensure that Prospective Successors are fully informed of their duties and obligations should they become Successor to the Permit. Accordingly, the Prospective Successor must carefully review the items below and must initial indicating its agreement and understanding.



If the Application is approved, the Prospective Successor will assume all liability for the reclamation of the affected land, and for compliance with the Hard Rock Act and Rules or the Construction Materials Act and Rules, as applicable (available online at <http://mining.state.co.us/Rules%20and%20Regs.htm>). Successor will be liable for any pre-existing conditions or violations, whether known or unknown at the time of the SO. It is the Prospective Successor's sole responsibility to investigate the operation prior to filing an Application.



If the Application is approved, the Successor will be solely responsible for maintaining the mining and reclamation operations in compliance with the Reclamation Permit. The Permit includes the original approved Application, along with any and all subsequent revisions, amendments, and conversions thereto. It is not uncommon for a Permit to include dozens of documents that span many years. It is the Successor's sole responsibility to obtain a full and complete copy of the Permit and to understand the extent of his/her/its obligations thereunder. Permit documents may be purchased from the Division of Reclamation, Mining and Safety (the "Division") upon request or viewed on the Division's website at <http://drmsweblink.state.co.us/drmsweblink/search.aspx?dbid=0>



If the Application is approved, the Successor must submit Annual Fees and Annual Reports to the Division on the anniversary date of the Reclamation Permit. For hard rock and designated mining operations, consult C.R.S. § 34-32-127(2) for the amount of the Annual Fee. For construction materials operations, consult the C.R.S. § 34-32.5-125 for the amount of the Annual Fee. Required annual reporting information is described in Hard Rock and Construction Materials Rule 1.15 and in the Annual Report Form provided by the Division. Failure to submit Annual Fees or Annual Reports may result in enforcement action.

**APPLICANTS' AGREEMENT TO REQUEST TRANSFER  
OF MINERAL PERMIT AND SUCCESSION OF OPERATORS**

WHEREAS, on August 11 \_\_\_\_\_, 1992 \_\_\_\_\_ Permit Number M-1992-051 \_\_\_\_\_ ("Permit") was granted to Florence Sand & Gravel \_\_\_\_\_ ("Permittee"), pursuant to which Permit, Permittee has engaged in a mining operation located in Fremont \_\_\_\_\_ County, Colorado.

WHEREAS, The Permit includes and incorporates any and all subsequent Amendments, Technical Revisions and/or Conversions.

WHEREAS, Permittee wishes to assign the entire Permit, along with all associated rights and responsibilities to Longston Concrete Inc ("Prospective Successor"), and Prospective Successor wishes to become Successor Permittee under the Permit.

WHEREAS, Prospective Successor has inspected the mining and reclamation operations and is fully aware of the conditions thereof.

WHEREAS, Prospective Successor understands that the Reclamation Plan (the "Plan") is an integral part of the Permit and is required by law. Prospective Successor has had an opportunity to thoroughly review the Plan, understands that the Plan has not been completed and that, if Prospective Successor becomes Successor, he/she/it will assume full responsibility for the completion of the Plan.

NOW THEREFORE, Permittee and Prospective Successor hereby agree, for their own benefit and for the benefit of the State, as follows:

Prospective Successor agrees to accept all of the conditions of the Permit, including the condition that the operation remains in compliance with all applicable laws and regulations, and to perform all of the obligations of the Permittee under the Permit.

Prospective Successor agrees to complete the Plan, and to assume all liability for the same, as to all areas presently disturbed, as well as to all areas hereafter disturbed.

Prospective Successor agrees to submit to the Division of Reclamation, Mining and Safety ("Division"), Performance and Financial Warranties, as required by applicable law and regulations, which will be substituted for the Performance and Financial Warranties previously filed by the Permittee, if and when the Division approves a Transfer of Mineral Permit and Succession of Operators ("SO") and releases the latter Warranties.

Prospective Successor represents to the State that, to the best of its knowledge, information and belief, it is not in violation of any of the provisions of the Mined Land Reclamation Act (C.R.S. § 34-32-101 *et. seq.*) ("Hard Rock Act") and associated Rules (2 C.C.R. 407-1) ("Hard Rock Rules") or the Land Reclamation Act for the Extraction of

Construction Materials (C.R.S. § 34-32.5-101 *et. seq.*) ("Construction Materials Act") and associated Rules (2 C.C.R. 407-4) ("Construction Materials Rules"), with respect to any other operation conducted by the Prospective Successor in the State of Colorado.

Permittee and Prospective Successor hereby request that the Mined Land Reclamation Board ("Board") approves their SO Application, recognizes the Prospective Successor as Successor Operator under the Permit, accepts the Prospective Successor's Performance and Financial Warranties, and releases the current Permittee's Performance and Financial Warranties.

SIGNED, SEALED AND DATED this 16 day of October, 2015.

**PERMITTEE**

Florence Sand & Gravel

Name of Permittee

By

[Signature]  
Signature of Officer

Title of Officer

**PROSPECTIVE SUCCESSOR**

Langston Concrete Inc

Name of Prospective Successor

By

[Signature]  
Signature of Officer

Mike Langston

President/owner  
Title of Officer

(B+C)  
**NOTARY FOR PERMITTEE** PROSPECTIVE SUCCESSOR

STATE OF Colorado )

COUNTY OF Fremont )

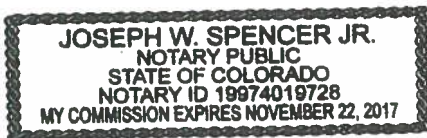
ss.:

The foregoing instrument was acknowledged before me this 16th day of October, 2015,  
by Mike Langston as President of Langston Concrete, Inc.

Notary Public

My Commission Expires

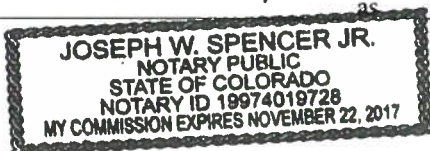
11/22/17



Permittee (PSE)  
**NOTARY FOR PROSPECTIVE SUCCESSOR**

STATE OF Colorado )  
 ) ss.:  
COUNTY OF Fremont )

The foregoing instrument was acknowledged before me this 16th day of October, 2015,  
by Shiele Rodarmel, dba Florence Sand & Gravel of \_\_\_\_\_



Notary Public Joseph W. Spencer Jr.

My Commission Expires 11/22/17

**STATE APPROVAL**  
**[for completion by Division]**

- (a) The Board hereby approves the transfer of permit number 11992051 from  
FLORENCE SAND and GRAVEL to LANGSTON CONCRETE, INC.
- (b) The Board hereby recognizes LANGSTON CONCRETE, INC. as Successor Operator under  
such Permit.
- (c) The Board hereby accepts the Performance and Financial Warranties submitted by Successor and hereby  
releases FLORENCE Sand and Gravel ~~the~~, as former Permittee from all obligations under  
its Performance and Financial Warranties. The Board further releases all affected financial warrantors from  
obligations under Financial Warranties associated with the former Permittee.

STATE OF COLORADO  
DEPARTMENT OF NATURAL RESOURCES  
MINED LAND RECLAMATION BOARD  
DIVISION OF RECLAMATION, MINING AND SAFETY

By: \_\_\_\_\_  
Division Director

Date Executed: \_\_\_\_\_

### Application Checklist

- ☒ **Application Form:** Complete the form located on page 5.
- ☒ **Application Fee:** Include check payable to Colorado Division of Reclamation, Mining and Safety.
- ☒ **Performance Warranty:** Complete the form located on page 11.
- ☐ **Financial Warranty:** Submit the appropriate Financial Warranties or conditional replacement Financial Warranties using the forms posted on the Division's website (available online at <http://mining.state.co.us/Mineral%20Forms.htm>).
- ☐ **Demonstration of Legal Right to Enter:** Identify the owners of all surface and mineral rights, obtain the documentation described above, and submit to the Division.
- ☐ **Structure Agreements:** Obtain new Structure Agreements if Permittee had been required to do so.

LOC not req

Summit?  
R&E land inc?

Inc

M1092051

City of Florence, Johnson St. or any city street

RECEIVED

FEB 02 2016

### **Structure Agreement**

Division of Reclamation,  
Mining & Safety

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. Johnson Street, a public street, and any other public streets within 200 feet  
of the proposed site.
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

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

**CERTIFICATION**

The Applicant, Langston Concrete, Inc. (print applicant/company name),  
by Mike Langston (print representative's name), as president (print  
representative's title), does hereby certify that City of Florence (structure owner) 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 Langston Concrete (operation name),  
File Number M-1992 - 051.

*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:  
Langston Concrete, Inc.

By Applicant [Signature] Representative Name Mike Langston

Date February 1, 2016 Title president

STATE OF Colorado )

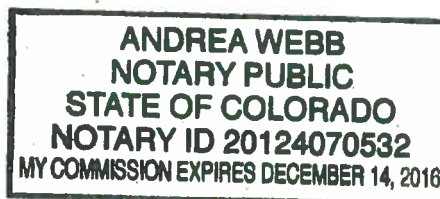
) ss.

COUNTY OF Fremont )

The foregoing was acknowledged before me this 1st day of February, 2016, by  
Mike Langston as president of Langston Concrete, Inc.

[Signature]  
Notary Public

My Commission Expires: 12-14-2016



**NOTARY FOR STRUCTURE OWNER**

ACKNOWLEDGED BY: Michelle Bann

Structure Owner City of Florence, Colo. Name Mike Patterson

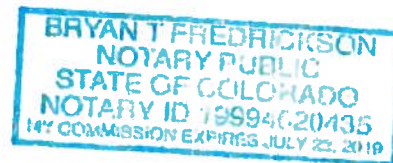
Date February 1, 2016 Title City Manager

STATE OF COLORADO )  
 ) ss.  
COUNTY OF Fremont )

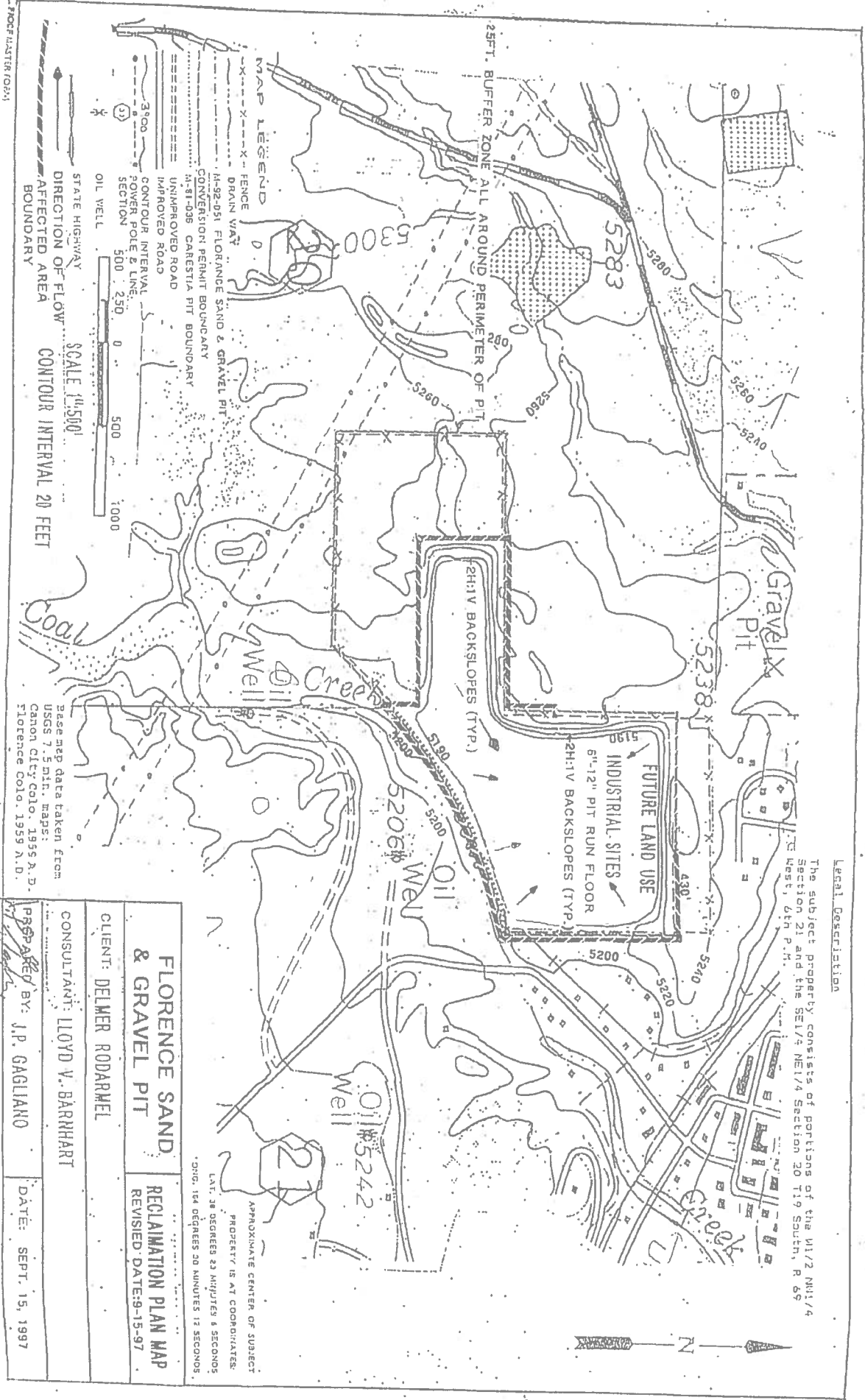
The foregoing was acknowledged before me this 1st day of February, 2016, by Mike Patterson  
as City Manager of City of Florence, Colorado

Bryant T. Fredrickson  
Notary Public

My Commission Expires: 7/22/2019



150262051



Legal Description

The subject property consists of portions of the NW1/4 Section 21 and the SE1/4 NE1/4 Section 20 T19 South, R 69 West, 6th P.M.

FLORENCE SAND & GRAVEL PIT		RECLAMATION PLAN MAP
CLIENT: DELMER RODARMEL		REVISED DATE: 9-15-97
CONSULTANT: LLOYD V. BARNHART		
PREPARED BY: J.P. GAGLIANO		DATE: SEPT. 15, 1997

APPROXIMATE CENTER OF SUBJECT PROPERTY IS AT COORDINATES: LAT. 38 DEGREES 23 MINUTES 8 SECONDS LONG. 104 DEGREES 50 MINUTES 12 SECONDS

TU

M 1992 051

November 16, 2015

Division of Reclamation, Mining and Safety  
Dept of Natural Resources  
1313 Sherman St., Room 215  
Attn: Barbra Coria  
Denver, Colorado 80203

**RECEIVED**

**DEC 21 2015**

Division of Reclamation,  
Mining & Safety

Re: Application for Transfer of Mineral Permit and Succession of Operators

Dear Director:

Enclosed is my application for Transfer of Mineral Permit and Succession of Operators and a check for the application fee. It was agreed in real-estate contract with buyer that the current Financial Warranty Bonds and Interest would transfer with the sale of the property. I authorize the Division of Reclamation, Mining and Safety to request the release of the \$21,000 Bond currently held with Wells Fargo Bank and the \$17,000.00 and \$100.00 Cash Bonds plus any interest to be credited to the new owners, Langston Concrete, Inc.

Sincerely,



Sheila M. Rodarmel

Ta

M 1492 051

November 16, 2015

Division of Reclamation, Mining and Safety  
Dept of Natural Resources  
1313 Sherman St., Room 215  
Attn: Barbra Coria  
Denver, Colorado 80203

RECEIVED

DEC 21 2015

Division of Reclamation,  
Mining & Safety

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Sincerely,

A handwritten signature in dark ink, appearing to read "Sheila M. Rodarmel", written in a cursive style.

Sheila M. Rodarmel