



STATE OF
COLORADO

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

EUREKA MILLSITE LEGAL OPINION

1 message

Mark Steen <goldtontine@gmail.com>
To: Amy.Eschberger@state.co.us

Wed, May 15, 2019 at 4:07 PM

Amy Eschberger,

Attached to this email is an Attorney's legal opinion regarding the Sapp Brothers' Eureka Millsite and the Water Line Easement that CMC has with the property owners. This should be acceptable to the DRMS as to any liability for structural damage resulting from CMC's activities on the Easement.

Mark A. Steen
Colorado Milling Company, LLC

Subject: EUREKA MILLSITE LEGAL OPINION

Sent from my iPad



Colo Milling Easement Access Ltr.pdf
34K

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A Professional Corporation

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May 10, 2019

Colorado Division of Reclamation
Mining and Safety
1313 Sherman Street- Room 215
Denver, Colorado 80203

Re: Permit No. M-1994-117

To Whom It May Concern:

I write this letter on behalf of Colorado Milling Company, LLC in regard to its Application for an Amendment to the Gold Hill Mill Permit, Permit No. M-1994-117.

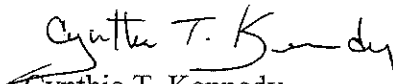
I have reviewed the Easement for Water Line With Access dated September 24, 2015 between Gene L. Sapp and Dene F. Sapp (the "Sapps") and Colorado Milling Company, LLC (the "Agreement") with regard to addressing the question of the extent of the indemnity afforded the Sapps under the Agreement and whether the Agreement is sufficient to provide for compensation in the event of damage to structures.

It is my opinion, having reviewed the recorded document (the Easement for Water Line With Access) that the definition of "real property" within that document at paragraph 1 includes the entire Eureka Millsite, MS 601B, and the provision at paragraph 3 requiring Colorado Milling Company, LLC as Grantee "to restore the *real property* as nearly as reasonably possible to its condition prior to any material disturbance from the construction, operation, maintenance, repair or replacement of the water line" is sufficient to require indemnification against any damage to structures on the Eureka Millsite as well as the raw land.

I have discussed this matter with Colorado Milling Company, LLC, and the entity acknowledges its obligations to restore structures as well as raw land should any damage occur as a result of the activities covered by the Agreement.

Please feel free to contact me if you have any further questions.

Very truly yours,


Cynthia T. Kennedy

cc: client