



STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

Borrow Sites for Bennett Crossing Parcels 1 and 2, Application Numbers M-2019-029 and M-2019-030

Sonnenshein, Jed <jsonnenshein@foxrothschild.com>

Thu, Jun 6, 2019 at 3:39 PM

To: "Ebert - DNR, Jared" <jared.ebert@state.co.us>, Kacy Flemons <kacy.flemons@lgihomes.com>

Cc: "Tim Bruggman (tim.bruggman@lgihomes.com)" <tim.bruggman@lgihomes.com>

Jared,

Attached please find the following:

1. Response to Adequacy Review for Parcel 1
2. Response to Adequacy Review for Parcel 2
3. Cover letters, draft agreement forms and proof of mailing for property owners within 200 feet
4. Properly executed affidavit.

Thank you.

Jed

Jed Sonnenshein

Fox Rothschild LLP

(303) 383-7675 - direct

jsonnenshein@foxrothschild.com

From: Ebert - DNR, Jared <jared.ebert@state.co.us>

Sent: Friday, May 31, 2019 1:37 PM

To: Kacy Flemons <kacy.flemons@lgihomes.com>

Cc: Sonnenshein, Jed <jsonnenshein@foxrothschild.com>

Subject: [EXT] Borrow Sites for Bennett Crossing Parcels 1 and 2, Application Numbers M-2019-029 and M-2019-030

Hello Mr. Flemons,

[Quoted text hidden]

[Quoted text hidden]

4 attachments



96251799_1_DRMS - Parcel 1 Letter-C3.PDF
65K



96251822_1_DRMS - Parcel 2 Letter-C3.PDF
65K



Certified Return Receipt Mailing Re Permit-C3.PDF
6204K



Newly signed Affidavit-Bennett Crossing-C3.pdf
272K



Fox Rothschild LLP
ATTORNEYS AT LAW

1225 17th Street
Suite 2200
Denver, CO 80202
Tel (303) 292-1200 Fax (303) 292-1300
www.foxrothschild.com

JED SONNENSHEIN
Direct No: 303.383.7675
Email: JSonnenshein@FoxRothschild.com

June 6, 2019

VIA EMAIL

Colorado Division of Reclamation, Mining and Safety
Attention: Jared Ebert
1313 Sherman Street, Room 215
Denver, CO 80203

Re: Borrow Site For Bennett Crossing Filing 2 (Parcel 1), 111(1)(b) Application No. M-2019-029, Adequacy Review No. 1

Dear Mr. Ebert:

On behalf of the applicant, LGI HOMES – COLORADO, LLC, I am responding to your May 31, 2019 correspondence.

Mining Plan – Exhibit C, Rule 6.3.3

1. The applicant anticipates the average range of topsoil to be salvaged at the site will be six to eight inches.
2. The applicant will comply with all requirements of the Colorado Discharge Permit System General Permit, and the Grading Erosion and Sediment Control Plans approved by the Town of Bennett. The applicant provided the Division with a copy of the General Permit and the Plans when it delivered its “Is it Mining?” questionnaire to the Division.

Reclamation Plan – Exhibit D, Rule 6.3.4

3. The applicant acknowledges that the Division’s performance standard is defined by Rule 3.1.10(1).

A Pennsylvania Limited Liability Partnership

California Colorado Connecticut Delaware District of Columbia Florida Illinois
Minnesota Nevada New Jersey New York Pennsylvania Texas Washington

Jared Ebert, DRMS

June 6, 2019

Page 2

4. The proposed topsoil replacement depth is six to eight inches.

Reclamation Plan – Exhibit D, Rule 6.3.4

5. The phone number for the Town of Bennett is (303) 644 – 3249.

Permanent Man – Made Structures – Exhibit L, Rule 6.3.12

6. Copies of the requested materials are attached to the email that includes this correspondence.

Financial Warranty

7. The applicant's chief financial officer has now signed the Affidavit of Authority. A copy is attached to the email that includes this correspondence and the original will be delivered to you.

Very truly yours,



Jed Sonnenshein

JS:dm

cc: Tim Bruggman
Kacy Flemons



1225 17th Street
Suite 2200
Denver, CO 80202
Tel (303) 292-1200 Fax (303) 292-1300
www.foxrothschild.com

JED SONNENSHEIN
Direct No: 303.383.7675
Email: JSonnenshein@FoxRothschild.com

June 6, 2019

VIA CERTIFIED RETURN RECEIPT MAIL

Elizabeth J. and Rick Mitchell
5479 South Uravan Court
Centennial, Colorado 80015-2651

Re: LGI Homes – Colorado, LLC

Dear Elizabeth and Rick:

This firm represents LGI Homes – Colorado, LLC. LGI Homes – Colorado, LLC has applied for a permit from the Division of Reclamation, Mining and Safety in connection with LGI using the dirt and earthen fill from property owned by Rick and Elizabeth Mitchell.

The Division is requiring LGI to contact property owners within 200 feet of the perimeter of the Mitchell's property and to attempt to obtain an agreement from you in the form attached to this letter.

Notwithstanding the content of the attached form, LGI has already obtained a professional opinion from an engineer that its operations on the Mitchell property will not adversely affect the stability of your structure.

Please note that the attached form is not a binding agreement, and contact me to discuss further. Thank you.

Very truly yours,

Jed Sonnenshein

Enclosures

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington

An example Structure Agreement which meets the requirements of the Statutes is shown below.

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. Home owned by Rick and Elizabeth Mitchell
- 2. _____
- 3. _____
- 4. _____
- 5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, LGI Homes - Colorado, LLC (print applicant/company name),
by _____ (print representative's name), as _____ (print
representative's title), does hereby certify that _____ (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 Borrow Site for Bennett Crossing Filing 2 (Parcel 2) (operation name),
File Number M-____ - ____.

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 **LGI Homes - Colorado, LLC** Representative Name _____

Date	Title
------	-------

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by
as _____ of LGI Homes - Colorado, LLC _____.

My Commission Expires: _____

Notary Public _____

NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner _____ Name _____

Date _____ Title _____

STATE OF _____)
) ss.

COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by
_____ as _____ of _____.

Notary Public My Commission Expires: _____

WALZ
CERTIFIED
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FROM

WALZ

FORM #45663 VERSION: E0218

U.S. Postal Service®
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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Elizabeth J. & Rick Mitchell
5479 South Uravan Court
Centennial, CO 80015-2651
US

Label #2

Elizabeth J. & Rick Mitchell
5479 South Uravan Court
Centennial, CO 80015-2651
US

Label #3

Jed Sonnenshein
Fox Rothschild LLP
1225 17th Street
Suite 2200
Denver, CO 80202
US

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9414 7266 9904 2121 7382 25

Certified Mail Fee	\$	3.50
Return Receipt (Hardcopy)	\$	2.80
Return Receipt (Electronic)	\$	
Certified Mail Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$	

Postmark
Here

TEAR ALONG THIS LINE

Sent to:

Elizabeth J. & Rick Mitchell
5479 South Uravan Court
Centennial, CO 80015-2651
US

Reference Information

134509.00018-3786



PS Form 3800, Facsimile, July 2015

A FOLD AND TEAR THIS WAY → OPTIONAL

B

Label #5 (OPTIONAL)

PS|Ship Tracking Label

(affix to back of envelope)



CERT00468964

Label #6 - Return Receipt Barcode (Sender's Record)



9590 9266 9904 2121 7382 28

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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
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Label #4

Certified Article Number

SENDER'S RECORD

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C FOLD AND TEAR THIS WAY →

Return Receipt (Form 3811) Barcode



9590 9266 9904 2121 7382 28

1. Article Addressed to:

Elizabeth J. & Rick Mitchell
5479 South Uravan Court
Centennial, CO 80015-2651
US

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2121 7382 25

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

X

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type:

☒ Certified Mail

☐ Certified Mail Restricted Delivery

Reference Information

134509.00018-3786 -



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USPS® MAIL CARRIER
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Domestic Return Receipt

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Model Form: 90291
US POSTAGE

RETURN RECEIPT REQUESTED

1

2

01-765901
Mary Kay Boller
370 South Cleveland Ave.
Westerville, OH 43081-9917

FRONT

Return Receipt (Form 3811) Reverse

4. Signature

5. Received by (Printed Name)

6. Date of Delivery

7. Is delivery address different from item 1? ☐ Yes ☐ No

8. Service Type

9. Certified Mail (Form 3800) Article Number

10. Form 3811, Facsimile, July 2010

Connecticut Return Receipt

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USPS TRACKING #

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United States Postal Service®

• Sender: Please print your name, address and ZIP+4® below •

FOX ROTHSCHILD LLP
ATTN:
1225 17TH STREET SUITE 2200
DENVER CO 80202

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

PEEL BACK TO EDGE

DO NOT BEND VERTICAL PERF



package id

00468964

ship date

Thu, Jun 06 2019

to

Elizabeth J. & Rick Mitchell
5479 South Uravan Court
Centennial, CO 80015-2651 US
3032921200

residential address

No

return label

No

from

Jed Sonnenshein (3786)
Fox Rothschild LLP
1225 17th Street
Suite 2200
Denver, CO 80202 US
817-7675

billing

LGI HOMES, LLC.BENNETT
CROSSING
(134509.00018)

operator

Kristine Chambers
817-3865
KChambers@FoxRothschild.com

create time

06/06/19, 10:09AM

vendor

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tracking number

CERT00468964

service

USPS Certified Mail™

options

Return Receipt

courtesy quote

.00 USD

*There is no value to display until a
cost is entered in the mailroom
The courtesy quote does not reflect
fuel surcharge and does not
necessarily reflect all accessorial
charges.*



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Suite 2200
Denver, CO 80202
Tel (303) 292-1200 Fax (303) 292-1300
www.foxrothschild.com

JED SONNENSHEIN
Direct No: 303.383.7675
Email: JSonnenshein@FoxRothschild.com

June 6, 2019

VIA CERTIFIED RETURN RECEIPT MAIL

Colorado Department of Transportation
2829 West Howard Place
Denver, Colorado 80204

Re: LGI Homes – Colorado, LLC

To Whom It May Concern:

This firm represents LGI Homes – Colorado, LLC. LGI Homes – Colorado, LLC has applied for a permit from the Division of Reclamation, Mining and Safety in connection with LGI using the dirt and earthen fill from property owned by Rick and Elizabeth Mitchell.

The Division is requiring LGI to contact property owners within 200 feet of the perimeter of the Mitchell's property and to attempt to obtain an agreement from you in the form attached to this letter.

Notwithstanding the content of the attached form, LGI has already obtained a professional opinion from an engineer that its operations on the Mitchell property will not adversely affect the stability of your structure.

Please note that the attached form is not a binding agreement, and contact me to discuss further. Thank you.

Very truly yours,

Jed Sonnenshein

Enclosures

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington

An example Structure Agreement which meets the requirements of the Statutes is shown below.

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. CO State Highway 26
- 2. _____
- 3. _____
- 4. _____
- 5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, LGI Homes - Colorado, LLC (print applicant/company name),
by _____ (print representative's name), as _____ (print
representative's title), does hereby certify that _____ (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 Borrow Site for Bennett Crossing Filing 2 (Parcel 1) (operation name),
File Number M-_____-_____.

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 LGI Homes - Colorado, LLC Representative Name _____

Date _____ **Title** _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by
as _____ of LGI Homes - Colorado, LLC

My Commission Expires: _____

Notary Public

NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner _____ Name _____

Date _____ Title _____

STATE OF _____)
) ss.

COUNTY OF _____)

The foregoing was acknowledged before me this _____ day of _____, 20____, by
_____ as _____ of _____.

Notary Public My Commission Expires: _____

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FORM #45663 VERSION: E0218

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Colorado Department
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Jed Sonnenshein
Fox Rothschild LLP
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Suite 2200
Denver, CO 80202
US

USPS® ARTICLE NUMBER

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Certified Mail Fee	\$	3.50
Return Receipt (Hardcopy)	\$	2.80
Return Receipt (Electronic)	\$	
Certified Mail Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$	

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Sent to:

Colorado Department
of Transportation
2829 West Howard Place
Denver, CO 80204
US

Reference Information

134509.00018-3786



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of Transportation
2829 West Howard Place
Denver, CO 80204
US

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2121 7368 32

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☒ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type:
☒ Certified Mail
☐ Certified Mail Restricted Delivery

Reference Information

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Label 6: Return Receipt Barcode (for sender's record)

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FRONT



BACK

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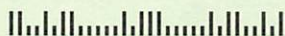
USPS TRACKING #



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United States
Postal Service®

● Sender: Please print your name, address and ZIP+4® below ●



FOX ROTHSCHILD LLP
ATTN:
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DENVER CO 80202

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USPS
Permit No. G-10

PEEL BACK TO EDGE

DO NOT BEND VERTICAL PERF

DO NOT BEND VERTICAL REEF



package id
00468960

ship date
Thu, Jun 06 2019

to
Colorado Department
of Transportation
2829 West Howard Place
Denver, CO 80204 US
3032921200
jsonnenshein@foxrothschild.com

residential address
No

return label
No

from
Jed Sonnenshein (3786)
Fox Rothschild LLP
1225 17th Street
Suite 2200
Denver, CO 80202 US
817-7675

billing
LGI HOMES, LLC.BENNETT
CROSSING
(134509.00018)

operator
Kristine Chambers
817-3865
KChambers@FoxRothschild.com

create time
06/06/19, 9:57AM

vendor
Certified Mail

tracking number
CERT00468960

service
USPS Certified Mail™

options
Return Receipt

courtesy quote
.00 USD

*There is no value to display until a
cost is entered in the mailroom
The courtesy quote does not reflect
fuel surcharge and does not
necessarily reflect all accessorial
charges.*



Fox Rothschild LLP
ATTORNEYS AT LAW

1225 17th Street
Suite 2200
Denver, CO 80202
Tel (303) 292-1200 Fax (303) 292-1300
www.foxrothschild.com

JED SONNENSHEIN
Direct No: 303.383.7675
Email: JSonnenshein@FoxRothschild.com

June 6, 2019

VIA CERTIFIED RETURN RECEIPT MAIL

Maria Sanchez
831 Centennial Drive
Bennett, Colorado 80102-7869

Re: LGI Homes – Colorado, LLC

Dear Maria:

This firm represents LGI Homes – Colorado, LLC. LGI Homes – Colorado, LLC has applied for a permit from the Division of Reclamation, Mining and Safety in connection with LGI using the dirt and earthen fill from property owned by Rick and Elizabeth Mitchell.

The Division is requiring LGI to contact property owners within 200 feet of the perimeter of the Mitchell's property and to attempt to obtain an agreement from you in the form attached to this letter.

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Please note that the attached form is not a binding agreement, and contact me to discuss further. Thank you.

Very truly yours,

Jed Sonnenshein

Enclosures

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington

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Structure Agreement

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- 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. _____
2. _____
3. _____
4. Home owned by Maria Ines Sanchez Rodrigues

5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, LGI Homes - Colorado, LLC (print applicant/company name),
by _____ (print representative's name), as _____ (print
representative's title), does hereby certify that _____ (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 Borrow Site for Bennett Crossing Filing 2 (Parcel 1) (operation name),
File Number M-____-____.

*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 LGI Homes - Colorado, LLC Representative Name _____

Date _____ Title _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by
_____ as _____ of LGI Homes - Colorado, LLC.

Notary Public My Commission Expires: _____

NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner _____ Name _____

Date _____ Title _____

STATE OF _____)
) ss.

COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by
_____ as _____ of _____.

Notary Public

My Commission Expires: _____

WALZ
CERTIFIED
MAILER®

FROM

WALZ

FORM #45663 VERSION: E0218

U.S. Postal Service®
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

Label #1

Maria Sanchez
831 Centennial Drive
Bennett, CO 80102-7869
US

Label #2

Maria Sanchez
831 Centennial Drive
Bennett, CO 80102-7869
US

Label #3

Jed Sonnenshein
Fox Rothschild LLP
1225 17th Street
Suite 2200
Denver, CO 80202
US

TEAR ALONG THIS LINE

USPS® ARTICLE NUMBER

9414 7266 9904 2121 7368 49

Certified Mail Fee	\$	3.50
Return Receipt (Hardcopy)	\$	2.80
Return Receipt (Electronic)	\$	
Certified Mail Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$	

Postmark
Here

Sent to:

Maria Sanchez
831 Centennial Drive
Bennett, CO 80102-7869
US

Reference Information

134509.00018-3786



PS Form 3800, Facsimile, July 2015

A FOLD AND TEAR THIS WAY → OPTIONAL

B

Label #5 (OPTIONAL)

PS|Ship Tracking Label

(affix to back of envelope)



CERT00468861

Label #6 - Return Receipt Barcode (Sender's Record)



9590 9266 9904 2121 7368 42

Label #7 - Certified Mail Article Number

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®



9414 7266 9904 2121 7368 49

FOLD AND TEAR THIS WAY →

C FOLD AND TEAR THIS WAY →

Return Receipt (Form 3811) Barcode



9590 9266 9904 2121 7368 42

1. Article Addressed to:

Maria Sanchez
831 Centennial Drive
Bennett, CO 80102-7869
US

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2121 7368 49

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

X

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type:

☒ Certified Mail

☐ Certified Mail Restricted Delivery

Reference Information

134509.00018-3786 -



PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED
USPS® MAIL CARRIER
DETACH ALONG PERFORATION

Thank you for using Return Receipt Service

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Label 2: Recipient address or optional sender address label

Label 3: Sender address label

Label 4: Sender's record of the Certified Mail Article Number

Label 5: Sender address label or Charge Back information

Label 6: Return Receipt Barcode (for sender's record)

Label 7: PS Form 3800 Certified Mail sticker (affix at the top of the envelope with the perforation mark on the edge)

FRONT

BACK



U.S. Postal Service
CERTIFIED MAIL

package id

00468961

ship date

Thu, Jun 06 2019

to

Maria Sanchez
831 Centennial Drive
Bennett, CO 80102-7869 US
3032921200

residential address

No

return label

No

from

Jed Sonnenshein (3786)
Fox Rothschild LLP
1225 17th Street
Suite 2200
Denver, CO 80202 US
817-7675

billing

LGI HOMES, LLC.BENNETT
CROSSING
(134509.00018)

operator

Kristine Chambers
817-3865
KChambers@FoxRothschild.com

create time

06/06/19, 9:59AM

vendor

Certified Mail

tracking number

CERT00468961

service

USPS Certified Mail™

options

Return Receipt

courtesy quote

.00 USD

*There is no value to display until a
cost is entered in the mailroom
The courtesy quote does not reflect
fuel surcharge and does not
necessarily reflect all accessorial
charges.*



Fox Rothschild LLP
ATTORNEYS AT LAW

1225 17th Street
Suite 2200
Denver, CO 80202
Tel (303) 292-1200 Fax (303) 292-1300
www.foxrothschild.com

JED SONNENSHEIN
Direct No: 303.383.7675
Email: JSonnenshein@FoxRothschild.com

June 6, 2019

VIA CERTIFIED RETURN RECEIPT MAIL

Town of Bennett
207 Muegge Way
Bennett, Colorado 80102

Re: LGI Homes – Colorado, LLC

To Whom It May Concern:

This firm represents LGI Homes – Colorado, LLC. LGI Homes – Colorado, LLC has applied for a permit from the Division of Reclamation, Mining and Safety in connection with LGI using the dirt and earthen fill from property owned by Rick and Elizabeth Mitchell.

The Division is requiring LGI to contact property owners within 200 feet of the perimeter of the Mitchell's property and to attempt to obtain an agreement from you in the form attached to this letter.

Notwithstanding the content of the attached form, LGI has already obtained a professional opinion from an engineer that its operations on the Mitchell property will not adversely affect the stability of your structure.

Please note that the attached form is not a binding agreement, and contact me to discuss further. Thank you.

Very truly yours,

Jed Sonnenshein

Enclosures

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington

An example Structure Agreement which meets the requirements of the Statutes is shown below.

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. _____
- 2. Custer Street _____
- 3. Kiowa Street _____
- 4. _____
- 5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, LGI Homes - Colorado, LLC (print applicant/company name),
by _____ (print representative's name), as _____ (print
representative's title), does hereby certify that _____ (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 Borrow Site for Bennett Crossing Filing 2 (Parcel 1) (operation name),
File Number M- _____ - _____.

*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 LGI Homes - Colorado, LLC Representative Name _____

Date _____ Title _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this _____ day of _____, 20____, by
_____ as _____ of LGI Homes - Colorado, LLC.

Notary Public My Commission Expires: _____

NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner _____ Name _____

Date _____ Title _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by
_____ as _____ of _____.

Notary Public My Commission Expires: _____

WALZ
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FROM

WALZ

FORM #45663 VERSION: E0218

U.S. Postal Service®
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Domestic Mail Only

Label #1

Town of Bennett
207 Muegge Way
Bennett, CO 80102
US

Label #2

Town of Bennett
207 Muegge Way
Bennett, CO 80102
US

Label #3

Jed Sonnenshein
Fox Rothschild LLP
1225 17th Street
Suite 2200
Denver, CO 80202
US

USPS® ARTICLE NUMBER

9414 7266 9904 2121 7368 56

Certified Mail Fee	\$	3.50
Return Receipt (Hardcopy)	\$	2.80
Return Receipt (Electronic)	\$	
Certified Mail Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$	

Postmark
Here

← TEAR ALONG THIS LINE

Sent to:

Town of Bennett
207 Muegge Way
Bennett, CO 80102
US

Reference Information

134509.00018-3786



PS Form 3800, Facsimile, July 2015

A FOLD AND TEAR THIS WAY → OPTIONAL

B

Label #5 (OPTIONAL)

PS/Ship Tracking Label
(affix to back of envelope)



CERT00468863

Label #6 - Return Receipt Barcode (Sender's Record)



9590 9266 9904 2121 7368 59

Label #7 - Certified Mail Article Number

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®



9414 7266 9904 2121 7368 56

Label #4

Certified Article Number

9414 7266 9904 2121 7368 56

SENDER'S RECORD

FOLD AND TEAR THIS WAY →

C FOLD AND TEAR THIS WAY →

Return Receipt (Form 3811) Barcode



9590 9266 9904 2121 7368 59

1. Article Addressed to:

Town of Bennett
207 Muegge Way
Bennett, CO 80102
US

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2121 7368 56

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

X

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type:

☒ Certified Mail

☐ Certified Mail Restricted Delivery

Reference Information

134509.00018-3786 -



Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED

USPS® MAIL CARRIER

DETACH ALONG PERFORATION

Thank you for using Return Receipt Service

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

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Label 2: Recipient address or optional sender address label

Label 3: Sender address label

Label 4: Sender's record of the Certified Mail Article Number

Label 5: Sender address label or Charge Back information

Label 6: Return Receipt Barcode (for sender's record)

Label 7: PS Form 3800 Certified Mail sticker (affix at the top of the envelope with the perforation mark on the edge)

FRONT

BACK



U.S. Postal Service
CERTIFIED MAIL

package id
00468963

ship date
Thu, Jun 06 2019

to
Town of Bennett
207 Muegge Way
Bennett, CO 80102 US
3032921200

residential address
No

return label
No

from
Jed Sonnenshein (3786)
Fox Rothschild LLP
1225 17th Street
Suite 2200
Denver, CO 80202 US
817-7675

billing
LGI HOMES, LLC.BENNETT
CROSSING
(134509.00018)

operator
Kristine Chambers
817-3865
KChambers@FoxRothschild.com

create time
06/06/19, 10:05AM

vendor
Certified Mail

tracking number
CERT00468963

service
USPS Certified Mail™

options
Return Receipt

courtesy quote
.00 USD

*There is no value to display until a
cost is entered in the mailroom
The courtesy quote does not reflect
fuel surcharge and does not
necessarily reflect all accessorial
charges.*

Affidavit of Authority to Execute Financial Warranty Documents

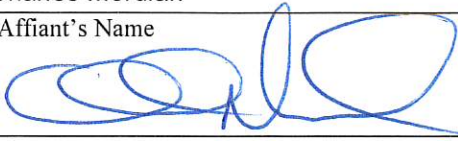
Before me this day, the undersigned Charles Merdian [name of authorized person], in his/her capacity as CFO [title of authorized person] ("Affiant"), personally appeared and, being first duly sworn upon oath said:

1. This affidavit is being executed and submitted on behalf of LGI Homes - Colorado, LLC [name of business organization], a(n) Colorado limited liability company [legal form of business organization, e.g., corporation, partnership, limited liability company, etc.], in good standing in the State of Colorado (the "Company").
2. It is in the interest of the Company to execute certain financial warranty documents associated with file number M-2019 - 029 & 030 (DRMS file number), which are required by the Colorado Mined Land Reclamation Board and Division of Reclamation Mining and Safety pursuant to Colorado law ("Financial Warranty Documents").
3. Affiant is duly authorized to sign such Financial Warranty Documents on behalf of the Company and to bind the Company to the same.
4. Affiant is not prohibited or limited by the Company's governing documents or by any applicable law from executing the Financial Warranty Documents.
5. Affiant will inform the Division of Reclamation Mining and Safety within thirty (30) days in the event that his/her authorization to execute Financial Warranty Documents on the Company's behalf is terminated.

Further, Affiant sayeth not.

Charles Merdian

Affiant's Name



Signature

STATE OF TX)

) ss.:

COUNTY OF Harris)

The foregoing instrument was acknowledged before me this 4th day of June, 2019,
by Charles Merdian as CFO of LGI Homes - Colorado, LLC.

Notary Public

My Commission Expires

Sandra Lee Byer

