



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

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Sonnenshein, Jed <jsonnenshein@foxrothschild.com>

Fri, Jun 7, 2019 at 2:47 PM

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

Cc: Kacy Flemons <kacy.flemons@lgihomes.com>, Michael Cunningham - DNR <michaela.cunningham@state.co.us>, "Coria - DNR, Barbara" <barbara.coria@state.co.us>

Jared,

Thank you. The response to the 2<sup>nd</sup> adequacy letter is attached. The original affidavit is being overnighted to Barbara for receipt on Monday.

[Quoted text hidden]

[Quoted text hidden]



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**96292599\_1\_Certified Return Receipt Mailing Re Permit 6-7-2019-C2.PDF**  
3112K



**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 7, 2019

**VIA CERTIFIED RETURN RECEIPT MAIL**

**REVISED**

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 36
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.

\_\_\_\_\_  
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: \_\_\_\_\_



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FORM #45663 VERSION: E0218

**U.S. Postal Service®**  
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**USPS® ARTICLE NUMBER**

9414 7266 9904 2121 7382 49

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

**Postmark  
Here**

**Sent to:**

Colorado Department  
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Denver, CO 80204  
US

**Reference Information**

134509.00018-3786



← TEAR ALONG THIS LINE

PS Form 3800, Facsimile, July 2015

**A FOLD AND TEAR THIS WAY → OPTIONAL**

**Label #5 (OPTIONAL)**

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(affix to back of envelope)



CERT00468336

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



9590 9266 9904 2121 7382 42

**Label #7 - Certified Mail Article Number**

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**FOLD AND TEAR THIS WAY →**

**C FOLD AND TEAR THIS WAY →**

**Return Receipt (Form 3811) Barcode**



9590 9266 9904 2121 7382 42

1. Article Addressed to:  
Colorado Department  
of Transportation  
2829 West Howard Place  
Denver, CO 80204  
US

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2121 7382 49

**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**

134509.00018-3786 -



PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

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RETURN RECEIPT REQUESTED  
USPS® MAIL CARRIER  
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Thank you for using Return Receipt Service



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Label 3: Sender address label

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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





*package id*

00469336

*ship date*

Fri, Jun 07 2019

*to*

Colorado Department  
of Transportation  
2829 West Howard Place  
Denver, CO 80204 US  
3032921200  
jromano@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*

06/07/19, 2:25PM

*vendor*

Certified Mail

*tracking number*

CERT00469336

*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 7, 2019

**VIA CERTIFIED RETURN RECEIPT MAIL**

Travis E. Church  
1375 Viewridge Road  
Bennett, Colorado 80102-8815

**Re: LGI Homes – Colorado, LLC**

Dear Travis:

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**

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- 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. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. Travis E. Church - commercial building

*(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  
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File Number M- \_\_\_\_\_ - \_\_\_\_\_.

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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: \_\_\_\_\_

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Return Receipt (Electronic)	\$	
Certified Mail Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$	

Postmark  
Here

Sent to:

Travis E. Church  
1375 Viewridge Road  
Bennett, CO 80102-8815  
US

Reference Information

134509.00018-3786



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FOLD AND TEAR THIS WAY →

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A. Signature ☐ Agent  
☒ 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:  
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Bennett, CO 80102-8815  
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2. Certified Mail (Form 3800) Article Number

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Thank you for using Return Receipt Service

Thank you for using Return Receipt Service

Certified Article Number  
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SENDER'S RECORD

Label #1

Label #2

Label #3

Travis E. Church  
1375 Viewridge Road  
Bennett, CO 80102-8815  
US

Travis E. Church  
1375 Viewridge Road  
Bennett, CO 80102-8815  
US

Jed Sonnenshein  
Fox Rothschild LLP  
1225 17th Street  
Suite 2200  
Denver, CO 80202  
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• Sender: Please print your name, address and ZIP+4® below •



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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

PEEL BACK TO EDGE

DO NOT BEND VERTICAL PERF





*package id*  
00469333

*ship date*  
Fri, Jun 07 2019

*to*  
Travis E. Church  
1375 Viewridge Road  
Bennett, CO 80102-8815 US  
3032921200  
jromano@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*  
06/07/19, 2:22PM

*vendor*  
Certified Mail

*tracking number*  
CERT00469333

*service*  
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*options*  
Return Receipt

*courtesy quote*  
.00 USD

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