

STATE OF  
COLORADO

Cazier - DNR, Tim &lt;tim.cazier@state.co.us&gt;

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**Re: M-1983-035 / Vollmer Pit AM-1 Follow-up Notice of Incomplete application**

1 message

**PFM Consulting** <pfmconsultingcompany@gmail.com>

Fri, Sep 23, 2022 at 4:07 PM

To: "Cazier - DNR, Tim" &lt;tim.cazier@state.co.us&gt;

Cc: Mark Morley &lt;markmorley20@aol.com&gt;

Tim,

Please see the attached letter and deed. Sorry for the oversight.

Have a good weekend.

Jodi Schreiber, Owner  
PFM Consulting Company  
719-529-0916[pfmconsultingcompany@gmail.com](mailto:pfmconsultingcompany@gmail.com)***"If you can't fly then run, if you can't run then walk, if you can't walk then crawl, but whatever you do you have to keep moving forward"*****-Martin Luther King Jr.**On Fri, Sep 23, 2022 at 3:39 PM Cazier - DNR, Tim <[tim.cazier@state.co.us](mailto:tim.cazier@state.co.us)> wrote:

Mark,

Attached for your records is a letter indicating we still need Exhibit N for the subject amendment application. I have copied Jodi Schreiber on this email.

Please let me know if you have any questions.

Tim Cazier, P.E.  
Environmental Protection Specialist III - Engineering  
Mobile: 303-328-5229**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural ResourcesP [303.866.3567](tel:303.866.3567) x8169 | F [303.832.8106](tel:303.832.8106) | C [303.328.5229](tel:303.328.5229)Mailing Address: Division of Reclamation, Mining & Safety, Room 215, (optional: c/o: Tim Cazier), [1001 E 62nd Ave., Denver, CO 80216](#)Physical Address: [1313 Sherman St., Room 215, Denver, CO 80203](#)[tim.cazier@state.co.us](mailto:tim.cazier@state.co.us) | <https://drms.colorado.gov>

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**2 attachments****Adequacy Response 2 9.23.2022.pdf**

36K

**Turkey Canon Quarry Inc Deed.pdf**

169K

## PFM Consulting LLC

1774 N. Cougar Drive  
Pueblo West, CO 81073  
719-529-0916  
pfmconsultingcompany@gmail.com

Colorado Div. of Reclamation, Mining and Safety  
Tim Cazier, P.E. Env. Protection Specialist  
1313 Sherman Street, Room 215  
Denver, CO 80203

RE: Vollmer Pit M1983-035 AM-1 Second  
Adequacy Review Response

Tim,

I apologize for the oversight on Exhibit N – Source of Legal Right of Entry. Ownership has not changed since the Succession of Operator 02 was submitted in November of 2018. Attached is the Deed for Turkey Canon Quarry Inc. for this site.

Please let me know if you need any additional information to proceed with the Amendment Application.

Warm Regards,

**Jodi Schreiber**

Owner, PFM Consulting LLC



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RIGHT HERE

11 198305

After recording return to:

Turkey Canon Quarry, Inc.  
Attn: Eric Howard  
20 Boulder Crescent St, 2<sup>nd</sup> Fl  
Colorado Springs, CO 80903

State Documentary Fee
Date
\$ 150.00

DEC 2 2018

Division of Reclamation,  
Mining & Safety

### Special Warranty Deed

THIS INDENTURE, made as of the 18th day of May, 2018, by and between **Edw. C. Levy Co.**, a Michigan corporation, successor by merger to Schmidt Construction Company, a Colorado corporation, d/b/a Schmidt Construction Company ("Grantor"), whose address is 2635 Delta Drive, Colorado Springs, Colorado 80910, and **Turkey Canon Quarry, Inc.**, a Colorado corporation ("Grantee"), having an address of 20 Boulder Crescent Street, 2nd Floor, Colorado Springs, Colorado 80903.

### WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ten dollars (\$10) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has sold and conveyed, and by these presents does sell and convey to Grantee, and its successors and assigns forever, all that certain land, situate, lying and being in El Paso County, Colorado, and being more particularly described as follows:

See Exhibit A attached hereto

(the "Property").

TOGETHER WITH all tenements, hereditaments and appurtenances thereto, belonging or in anywise appertaining.

AND SUBJECT TO those matters set forth in Exhibit B attached hereto and made a part hereof.

TO HAVE AND TO HOLD the Property, with the appurtenances, in fee simple, unto Grantee, its successors and assigns, to its own proper use and benefit forever.

Grantor, for itself and for its successors, and assigns, covenants and agrees that Grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of Grantee, and Grantee's successors and assigns, against all and every person or persons claiming the whole or any part of the Property, by, through, or under Grantor (other than those matters set forth on Exhibit B).

IN WITNESS WHEREOF, Grantor has executed this instrument as of the day and year first above written.



- 1 -  
55068372

GRANTOR:

**Edw. C. Levy Co.**, a Michigan corporation,  
successor by merger to Schmidt Construction  
Company, a Colorado corporation,  
d/b/a Schmidt Construction Company

By: L. Steven Weiner

Name: L. Steven Weiner

Title: Vice President

RECEIVED

DEC 23 2018

Notary Public, State of Michigan,  
Lynn Gollman

STATE OF Michigan )  
 ) ss.  
COUNTY OF Wayne )

Acknowledged before me this 17 day of May, 2018, by L. Steven Weiner, as Vice President of Edw. C. Levy Co., a Michigan corporation, successor by merger to Schmidt Construction Company, a Colorado corporation, d/b/a Schmidt Construction Company.

WITNESS my hand and official seal.

My commission expires: June 13, 2020



Lynn Gollman  
Notary Public

LYNN GOLLMAN  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES Jun 13, 2020  
ACTING IN COUNTY OF Wayne

EXHIBIT A  
Special Warranty Deed

Legal Description

A TRACT OF LAND IN THE SOUTHWEST ONE-QUARTER AND THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN EL PASO COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE N89°23'57"E ALONG THE SOUTH LINE OF SECTION 32, 30.00 FEET TO POINT ON THE EASTERLY LINE OF BLACK FOREST ROAD, ACCORDING TO THE RESOLUTION ADOPTED BY THE BOARD OF COMMISSIONERS OF EL PASO COUNTY RECORDED IN ROAD BOOK A AT PAGE 78, WHICH POINT IS THE POINT OF BEGINNING; THENCE N00°02'19"W ALONG SAID EASTERLY LINE, 125.50 FEET TO A POINT ON THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED IN BOOK 3859 AT PAGE 151; THENCE ALONG THE BOUNDARY OF SAID TRACT FOR THE FOLLOWING FOUR (4) COURSES; (1) THENCE N89°23'57"E, 25.20 FEET; (2) THENCE N42°32'21"E, 664.79 FEET; (3) THENCE N01°44'16"W, 403.43 FEET; (4) THENCE N87°25'38"W, 463.51 FEET TO A POINT ON SAID EASTERLY LINE OF BLACK FOREST ROAD; THENCE N00°02'19"E ALONG SAID EASTERLY LINE, 124.08 FEET; THENCE N89°27'58"E, 2607.50 FEET; THENCE N00°00'40"W ALONG THE NORTH-SOUTH CENTERLINE OF SECTION 32, 152.93 FEET TO THE SOUTHWEST CORNER OF HOLIDAY HILLS NO. 1, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK E2 AT PAGE 12; THENCE N89°31'30"E ALONG THE SOUTH LINE OF SAID HOLIDAY HILLS NO. 1, 1260.38 FEET; THENCE S00°33'58"E ALONG THE WESTERLY LINE OF GLIDER PORT ROAD, AS DEDICATED IN SAID HOLIDAY HILLS NO. 1, 741.29 FEET; THENCE S37°18'25"W ALONG THE NORTHWESTERLY LINE OF VOLLMER ROAD, 721.56 FEET; THENCE S89°23'57"W ALONG THE SOUTH LINE OF SECTION 32, 3437.29 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO

EXHIBIT B  
Special Warranty Deed

Exceptions

EXISTING LEASES AND TENANCIES.

RESERVATIONS AS CONTAINED IN PATENT OF THE UNITED STATES FILED WITH THE COLORADO BUREAU OF LAND MANAGEMENT LAND PATENTS RECORDED JULY 25, 1873 UNDER RECEPTION NO. 197 AND RECORDED MARCH 21, 1881 UNDER RECEPTION NO. 2072 (AS OUR ESI 35172396)

ANY INTEREST WHICH MAY HAVE BEEN ACQUIRED BY THE PUBLIC IN AND TO THE SUBJECT PROPERTY BY REASON OF RESOLUTION OF BOARD OF COUNTY COMMISSIONERS DATED AND RECORDED OCTOBER 3, 1887, IN ROAD BOOK A AT PAGE 78 AND RECORDED JUNE 20, 1917 IN BOOK 571 AT PAGE 55 WHICH PROVIDED FOR PUBLIC ROADS 60 FEET IN WIDTH BEING 30 FEET ON EITHER SIDE OF SECTION LINES ON THE PUBLIC DOMAIN.

RIGHT OF WAY 60 FEET IN WIDTH, FOR THE PURPOSE OF EGRESS, INGRESS AND UTILITY LINES GRANTED TO FINIS E. WANDELL AND DARRELL J. ROBERTS IN DEED RECORDED DECEMBER 04, 1962 IN BOOK 1936 AT PAGE 807.

TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RIGHT-OF-WAY EASEMENT RECORDED DECEMBER 26, 1962 IN BOOK 1939 AT PAGE 589 AND ASSIGNMENT RECORDED SEPTEMBER 18, 1969 IN BOOK 2310 AT PAGE 627.

TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RIGHT-OF-WAY EASEMENT RECORDED FEBRUARY 04, 1971 IN BOOK 2388 AT PAGE 216.

THE EFFECT OF INCLUSION OF SUBJECT PROPERTY IN THE BLACK FOREST FIRE/RESCUE DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED AUGUST 21, 1975, IN BOOK 2772 AT PAGE 121 AND AUGUST 28, 1980 IN BOOK 3333 AT PAGE 799. NOTICES OF SPECIAL DISTRICT AUTHORIZATION OR ISSUANCE OF GENERAL OBLIGATION INDEBTEDNESS RECORDED DECEMBER 17, 2001 UNDER RECEPTION NO. 201185017 AND MAY 20, 2011 UNDER RECEPTION NO. 211049996.

THE EFFECT OF NOTICE CONCERNING UNDERGROUND FACILITIES OF MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC. RECORDED MAY 09, 1983 IN BOOK 3718 AT PAGE 812.

TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF RIGHT OF WAY RECORDED DECEMBER 12, 1983 IN BOOK 3812 AT PAGE 1432.

THE EFFECT OF RESOLUTION NO. 92-14, LAND USE-2 BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF EL PASO, COLORADO RECORDED FEBRUARY 24, 1992 IN BOOK 5938 AT PAGE 1254.

RIGHTS OF OTHERS IN AND TO THE CONTINUED AND UNINTERRUPTED FLOW OF SAND CREEK AS THE SAME COURSES THROUGH THE SUBJECT PROPERTY.