

STATE OF  
COLORADO

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

**RE: [EXTERNAL] M-1987-171 / Fountain Colony Pit: Notice of Incomplete SO Application**

1 message

Paul.White &lt;Paul.White@kiewit.com&gt;

Thu, Oct 6, 2022 at 11:46 AM

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

Cc: "Misty.Gothard" &lt;Misty.Gothard@kiewit.com&gt;, Michael Cunningham &lt;michaela.cunningham@state.co.us&gt;, Sara Stevenson-Benn - DNR &lt;sara.stevenson-benn@state.co.us&gt;, "Alan.Lincoln" &lt;Alan.Lincoln@kiewit.com&gt;

Good Morning Tim:

With this email, I want to reply to some of the issues raised in your email of earlier this morning (see below).

Kiewit Infrastructure Co. owns approximately 320 acres at the Fountain Colony Pit site. Kiewit Construction Company ("KCC") acquired the property on December 3, 1999. See the first attachment for copies of the two related deeds. KCC was a Delaware corporation. On June 24, 2010, KCC filed a name change amendment with the State of Delaware that changed the name of the corporation from KCC to Kiewit Infrastructure Co. The second attachment includes a copy of the June 2010 filing along with other corporate documents filed with the State including the Certificate of Incorporation for KCC that was filed on December 1, 1981.

Our financial warranty is issued by Travelers Casualty and Surety Company of America, acting as the surety. The bond principal is Kiewit Infrastructure Co. The third attachment to this email is a Power of Attorney that grants, Ms. Traci Sutton, amongst others, the authority to sign the applicable bonds. A review of the actual bond on file with DRMS will show that Ms. Sutton has signed the bond. Can you talk with Ms. Stevenson to see if this authorization is acceptable? To my knowledge, it has always been accepted in the past on issued bonds and any related bond riders. If not, I will work with Kiewit's in-house attorney to review the requested affidavit of authority.

As you know, the site visit for the Successor Operator application is set for Wednesday, October 12 at 9AM. I have decided to fly into Colorado Springs and will be joining the two of you on the visit. I have also asked the property buyer to see if a buyer rep can join us for the site visit. Of course, the purpose for the buyer visit is to answer questions about their planned industrial development of approximately 100 acres of the land subject to the mining permit. At a very minimum, I expect to have a description of their planned operations and a site plan available for discussion.

Let me know if you have any further questions on the property ownership or the authority document.

Thanks. See you next Wednesday morning.

Paul White

Kiewit Corporation

(402) 650-0278

1550 Mike Fahey Street

Omaha, NE 68102

---

**From:** Cazier - DNR, Tim <[tim.cazier@state.co.us](mailto:tim.cazier@state.co.us)>

**Sent:** Thursday, October 6, 2022 8:57 AM

**To:** Alan.Lincoln <[Alan.Lincoln@kiewit.com](mailto:Alan.Lincoln@kiewit.com)>

**Cc:** Paul.White <[Paul.White@kiewit.com](mailto:Paul.White@kiewit.com)>; Misty.Gothard <[Misty.Gothard@Kiewit.com](mailto:Misty.Gothard@Kiewit.com)>; Michael Cunningham <[michaela.cunningham@state.co.us](mailto:michaela.cunningham@state.co.us)>; Sara Stevenson-Benn - DNR <[sara.stevenson-benn@state.co.us](mailto:sara.stevenson-benn@state.co.us)>

**Subject:** [EXTERNAL] M-1987-171 / Fountain Colony Pit: Notice of Incomplete SO Application

Alan,

Attached for your records is a copy of the subject letter listing additional documentation we need in order to process the Succession of Operator application. I have copied our Financial Assurance Specialist (Sara), Paul and Misty. In addition to the incompleteness notice, I have attached a copy of the required Affidavit of Authority (we will need original signatures for the affidavit).

Two more items of import:

1) I will be out of the office Friday afternoon (10/7) through Tuesday (10/11) with no access to electronic communication. Then I will be in the field Wednesday & Thursday next week (10/12 - 10/13) with limited access to email and phone. I will be back in the office on 10/14.

2) Your request for the withdrawal of TR-4 stated you would submit a follow-up TR within two weeks. Please be aware, we cannot process another TR until the SO application is complete, reviewed and approved.

Let me know if you have any questions or concerns.

Tim Cazier, P.E.

Environmental Protection Specialist III - Engineering

Mobile: 303-328-5229



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

P 303.866.3567 x8169 | F 303.832.8106 | C 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>

----- Forwarded message -----

From: "eprintcenter@hp8.us" <eprintcenter@hp8.us>  
To: "Paul.White" <Paul.White@kiewit.com>  
Cc:  
Bcc:  
Date: Thu, 6 Oct 2022 17:08:53 +0000  
Subject: [EXTERNAL] Scanned document from HP ePrint user

This email and attachment are sent on behalf of [paul.white@kiewit.com](mailto:paul.white@kiewit.com).

If you do not want to receive this email in future, you may contact [paul.white@kiewit.com](mailto:paul.white@kiewit.com) directly or you may consult your email application for spam or junk email filtering options.

Regards,  
HP Team

----- Forwarded message -----

From: "eprintcenter@hp8.us" <eprintcenter@hp8.us>  
To: "Paul.White" <Paul.White@kiewit.com>  
Cc:  
Bcc:  
Date: Thu, 6 Oct 2022 17:12:39 +0000  
Subject: [EXTERNAL] Scanned document from HP ePrint user

This email and attachment are sent on behalf of [paul.white@kiewit.com](mailto:paul.white@kiewit.com).

If you do not want to receive this email in future, you may contact [paul.white@kiewit.com](mailto:paul.white@kiewit.com) directly or you may consult your email application for spam or junk email filtering options.

Regards,  
HP Team

----- Forwarded message -----

From: "eprintcenter@hp8.us" <eprintcenter@hp8.us>  
To: "Paul.White" <Paul.White@kiewit.com>  
Cc:  
Bcc:  
Date: Thu, 6 Oct 2022 17:14:13 +0000  
Subject: [EXTERNAL] Scanned document from HP ePrint user

This email and attachment are sent on behalf of [paul.white@kiewit.com](mailto:paul.white@kiewit.com).

If you do not want to receive this email in future, you may contact [paul.white@kiewit.com](mailto:paul.white@kiewit.com) directly or you may consult your email application for spam or junk email filtering options.

Regards,  
HP Team

---

#### 6 attachments



**HPSCAN\_20221006170634879\_2022-10-06\_170853204.pdf**  
5374K





**[EXTERNAL] Scanned document from HP ePrint user.eml**  
7366K




**HPSCAN\_2022100617101908\_2022-10-06\_171237482.pdf**

5640K

 **[EXTERNAL] Scanned document from HP ePrint user.eml**  
7730K

 **HPSCAN\_20221006171322776\_2022-10-06\_171412647.pdf**  
1199K

 **[EXTERNAL] Scanned document from HP ePrint user.eml**  
1653K



State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 10:44 AM 06/24/2010  
FILED 10:44 AM 06/24/2010  
SRV 100686505 - 0927282 FILE

CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF INCORPORATION  
OF  
KIEWIT CONSTRUCTION COMPANY

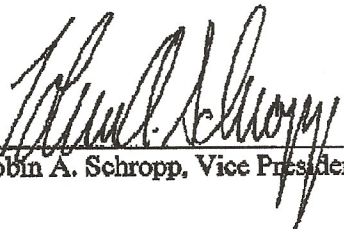
1. The Certificate of Incorporation of Kiewit Construction Company, a Delaware corporation, is amended by changing paragraph 1. thereof so that, as amended, said paragraph 1. shall read as follows:

"1. The name of the Corporation is: Kiewit Infrastructure Co."

2. The undersigned officers certify that the amendment above has been duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.

3. This Certificate of Amendment shall become effective on June 30, 2010.

Dated: June 22, 2010.

  
Tobin A. Schropp, Vice President

FEB 18 1983

CERTIFICATE OF AMENDMENT  
TO  
CERTIFICATE OF INCORPORATION  
OF  
KIEWIT CONSTRUCTION COMPANY

*William C. Knight*  
SECRETARY OF STATE

Kiewit Construction Company, a corporation organized and existing under and by virtue of the laws of the State of Delaware, does hereby certify by its President, James L. Knight, and its Secretary, R. C. Hurst, that:

1. The Amendment set forth hereinafter was approved and declared advisable by the Board of Directors of the corporation at a special meeting of the Board held on February 14, 1983.

2. At a special meeting of the stockholders of said Corporation duly called for the purpose of amending the Certificate of Incorporation, and held on February 14, 1983, after first obtaining from all shareholders a written Waiver of Notice of said meeting, it was resolved by the vote of the holders of a majority of the shares of all classes of stock of the Corporation and by the vote of the holders of a majority of the shares of each class of stock of the Corporation that the Certificate of Incorporation of Kiewit Construction Company be amended to read as set forth hereinafter.

3. The Certificate of Incorporation of Kiewit Construction Company is amended by striking paragraph 4. in its entirety and by inserting in lieu thereof a new paragraph 4. in words and figures as follows:

"4. The total number of shares of stock which the corporation shall have authority to issue is Twenty-Five Thousand (25,000), with a par value of One Thousand Dollars (\$1,000.00) per share, all of which shares shall be of one class and shall be designated as Common Stock.

No stockholder shall be entitled as a matter of right to subscribe for and receive additional shares of any class of stock of the corporation, whether now or hereafter authorized, or of bonds, debentures, or other accounts receivable and securities convertible into stock, but such additional shares of stock or other accounts receivable and securities convertible into stock, may be used or disposed of by the board of directors to such persons and on such terms as in its discretion it shall deem advisable."

4. The Amendment to the Certificate of Incorporation of Kiewit Construction Company was duly adopted in accordance with the provisions of Section 242, as amended, of the General Corporation Law of the State of Delaware.

5. The capital of the Corporation will not be reduced under or by reason of said Amendment.

6. This Certificate of Amendment is filed to be effective, in accordance with Section 103 of the General Corporation Law of the State of Delaware, upon its filing date as determined by delivery to the Office of the Secretary of State of Delaware.

IN WITNESS WHEREOF, the said Kiewit Construction Company has caused its corporate seal to be hereinto affixed and this Certificate to be signed by James L. Knight, its President, and attested by R. C. Hurst, its Secretary, this 14th day of February, 1983.

KIEWIT CONSTRUCTION COMPANY  
a Delaware Corporation

ATTEST:

R. C. Hurst  
R. C. Hurst, Secretary

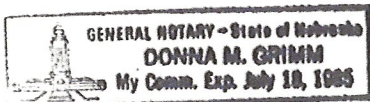
BY:

James L. Knight  
James L. Knight, President

STATE OF NEBRASKA     )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

KNOW ALL MEN BY THESE PRESENTS: That on the 14th day of February, 1983, personally came before me, Donna M. Grimm, a notary public in and for said County, James L. Knight, President of Kiewit Construction Company, and R. C. Hurst, Secretary of Kiewit Construction Company, and stated that they had executed the foregoing Certificate and acknowledged the same as their free and voluntary act and deed and the free and voluntary act and deed of Kiewit Construction Company, that the seal affixed to said Certificate is the corporate seal of Kiewit Construction Company, and that they stated that the facts and matters therein stated are true.

IN WITNESS WHEREOF, I have set my hand and affixed my notarial seal in Omaha, Nebraska on the day and year last above mentioned.



Donna M. Grimm  
Notary Public

My Commission Expires: July 18, 1985



5. The capital of the Corporation will not be reduced under or by reason of said Amendment.

6. This Certificate of Amendment is filed to be effective, in accordance with Section 103 of the General Corporation Law of the State of Delaware, upon its filing date as determined by delivery to the Office of the Secretary of State of Delaware.

IN WITNESS WHEREOF, the said Kiewit Construction Company has caused its corporate seal to be hereinto affixed and this Certificate to be signed by James L. Knight, its President, and attested by R. C. Hurst, its Secretary, this 14th day of February, 1983.

KIEWIT CONSTRUCTION COMPANY  
a Delaware Corporation

ATTEST:

R. C. Hurst  
R. C. Hurst, Secretary

BY:

James L. Knight  
James L. Knight, President

STATE OF NEBRASKA     }  
                                  } ss.  
COUNTY OF DOUGLAS    }

KNOW ALL MEN BY THESE PRESENTS: That on the 14th day of February, 1983, personally came before me, Donna M. Grimm, a notary public in and for said County, James L. Knight, President of Kiewit Construction Company, and R. C. Hurst, Secretary of Kiewit Construction Company, and stated that they had executed the foregoing Certificate and acknowledged the same as their free and voluntary act and deed and the free and voluntary act and deed of Kiewit Construction Company, that the seal affixed to said Certificate is the corporate seal of Kiewit Construction Company, and that they stated that the facts and matters therein stated are true.

IN WITNESS WHEREOF, I have set my hand and affixed my notarial seal in Omaha, Nebraska on the day and year last above mentioned.

GENERAL NOTARY - State of Nebraska  
DONNA M. GRIMM  
My Comm. Exp. July 18, 1985

Donna M. Grimm  
Notary Public

My Commission Expires July 18, 1985

RECEIVED FOR RECORD

FEB 18 1983

DEC 1 1981 10 AM

OF

KIEWIT CONSTRUCTION COMPANY

*Henry C. Keston*  
SECRETARY OF STATE

1. The name of the corporation is: Kiewit Construction Company.
2. The address of its registered office in the State of Delaware is 100 West Tenth Street in the City of Wilmington, County of New Castle. The name of its registered agent at such address is The Corporation Trust Company.
3. The nature of the business or purposes to be conducted or promoted is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.
4. The total number of shares of stock which the corporation shall have authority to issue is One Hundred Thousand (100,000), with a par value of One Thousand Dollars (\$1,000.00) per share, all of which shares shall be of one class and shall be designated as Common Stock.  
  
No stockholder shall be entitled as a matter of right to subscribe for and receive additional shares of any class of stock of the corporation, whether now or hereafter authorized, or of bonds, debentures, or other accounts receivable and securities convertible into stock, but such additional shares of stock or other accounts receivable and securities convertible into stock, may be used or disposed of by the board of directors to such persons and on such terms as in its discretion it shall deem advisable.
5. At all meetings of stockholders, each holder of record of Common Stock shall be entitled to vote and shall have one vote for each share of such stock standing in his name on the books of the corporation.
6. The board of directors is authorized to make, alter or repeal the by-laws of the corporation. Election of directors need not be by ballot.
7. The name and mailing address of the incorporator is:

M. A. Ferrucci  
100 West Tenth Street  
Wilmington, Delaware 19801

I, THE UNDERSIGNED, being the incorporator hereinbefore named, for the purpose of forming a corporation pursuant to the General Corporation Law of Delaware, do make this certificate, hereby declaring and certifying that this is my act and deed and the facts herein stated are true, and accordingly have hereunto set my hand this 30th day of November, 1981.

RECEIVED FOR RECORD

M. A. Ferrucci

M. A. Ferrucci

DEC 1 1981

LEO J. DUGAN, Jr., Recorder

S T A T E M E N T

OF

SOLE INCORPORATOR

OF

Kiewit Construction Company

-o-0-o-

The certificate of incorporation of this corporation having been filed in the office of the Secretary of State, the undersigned, being the sole incorporator named in said certificate, does hereby state that the following actions were taken on this day for the purpose of organizing this corporation:

1. By-laws for the regulation of the affairs of the corporation were adopted by the undersigned incorporator and were ordered inserted in the minute book immediately following the copy of the certificate of incorporation and before this instrument.

2. The following person was elected as a director to hold office until the first annual meeting of stockholders or until his successor is elected and qualified:



Charles H. Campbell

3. That the sole director was authorized, in his discretion, to issue the shares of the capital stock of this corporation to the full amount or number of shares authorized by the certificate of incorporation, in such amounts and for such considerations as from time to time shall be determined by the board and as may be permitted by law.

Dated, December 1st, 1981.

M. A. Ferrucci  
M. A. Ferrucci

**GENERAL WARRANTY DEED**

**THE FOUNTAIN COLONY INVESTMENT COMPANY, a Colorado limited partnership**, whose address is 31 North Tejon Street, Suite 400, Colorado Springs, Colorado 80903, for the consideration of Ten Dollars (\$10.00), in hand paid, hereby sells and conveys to **KIEWIT CONSTRUCTION COMPANY, a Delaware corporation**, whose address is Kiewit Plaza, Omaha, Nebraska 68131, the real property in the County of El Paso, State of Colorado, described on Exhibit "A" attached hereto and incorporated herein by this reference, with all its appurtenances, and warrants the title to the same, subject only to the easements, restrictions, reservations and rights of way of record described on Exhibit "B" attached hereto and incorporated herein by this reference.

**SIGNED** this 3rd day of December, 1999.

**THE FOUNTAIN COLONY INVESTMENT COMPANY, a Colorado limited partnership**

**By: TRI-LAND CO., LLC, a Colorado limited liability company**  
**Its: General Partner**

By: R. L. Marshall  
Raymond L. Marshall  
Managing Member

STATE OF COLORADO )  
 ) ss.  
COUNTY OF EL PASO )

The foregoing instrument was acknowledged before me this 3<sup>RD</sup> day of December, 1999, by Raymond L. Marshall, as the Managing Member of Tri-Land Co., LLC, the General Partner of The Fountain Colony Investment Company, a Colorado limited partnership, on behalf of such partnership.

Witness my hand and official seal.

My commission expires

3-21-2001

[Signature]  
Notary Public

J. Patrick Kelly El Paso Cty, CO  
12/06/1999 04:06  
Doc \$532.50 Page  
Rec \$20.00 1 of 4

099183838



RETURN TO GRANTEE AT  
LEGAL/PROPERTY ADDRESS  
ON FRONT OF DOCUMENT





# Obering, Wirth & Associates

Consulting Civil Engineers  
Professional Land Surveyors

1015 Elkton Drive • Colorado Springs, Colorado 80907 • Phone (719) 531-6200 • Fax (719) 531-6266

## LEGAL DESCRIPTION FOUNTAIN COLONY MINING TRACT

A tract of land in the South half of Section 7, the Southwest Quarter of Section 17 and in Section 18, all in Township 16 South, Range 65 West of the 6th P.M., in the City of Fountain, El Paso County, Colorado more particularly described as follows:

Beginning at the Southeast corner of said Section 18; thence S 89°38'51" W, along the Southerly line thereof, 1138.24 feet to the Southeast corner of Lot 1, Block 1, "Valley View Subdivision" as recorded in Plat Book O-3 at Page 57 of the Records of El Paso County, Colorado; thence along the boundary thereof the following three (3) courses: 1.) thence N 44°58'45" W, 1184.96 feet; 2.) thence N 21°36'06" W, 4433.07 feet; 3.) thence S 89°31'07" W, 1399.83 feet to a point on the Easterly line of an 80 foot right-of-way described in Exhibit "A" to Grant of Easement recorded in Book 3481 at Page 412 of the Records of El Paso County, Colorado; thence along said Easterly right-of-way line, the following four (4) courses: 1.) thence N 19°13'52" E, 52.50 feet to a point of curve; 2.) thence Northwesterly on a curve to the left, having a radius of 540.00 feet and a central angle of 39°58'59" an arc distance of 376.83 feet to a point of tangent; 3.) thence N 20°45'07" W, along said tangent, 280.37 feet to a point of curve; 4.) thence Northerly on a curve to the right, having a radius of 460.00 feet and a central angle of 19°58'15", an arc distance of 160.34 feet to a point of tangent, which tangent is on the Easterly line of the aforesaid Lot 1, Block 1, "Valley View Subdivision"; thence N 00°46'52" W, along said Easterly line, 297.34 feet to the Southwest corner of that tract of land described in instrument recorded under Reception No. 99098533 of the Records of El Paso County, Colorado; thence N 88°01'23" E, along the Southerly line thereof, 389.01 feet to the Southeast corner thereof; thence continue N 88°01'23" E, along the Easterly extension of said Southerly line, 920.21 feet; thence S 01°12'49" E, 800.00 feet; thence N 88°00'50" E, 590.00 feet; thence N 15°17'44" E, 675.23 feet; thence S 71°05'20" E, 570.81 feet; thence S 38°32'35" E, 1917.82 feet; thence S 22°42'10" E, 1593.46 feet; thence S 70°30'25" E, 590.55 feet; thence S 17°30'00" E, 2754.32 feet to a point on the Southerly line of the Southwest quarter of aforesaid Section 17; thence S 88°49'39" W, along said Southerly line, 699.81 feet to the point of beginning.

Containing 13,606,386 square feet (312.3596 acres), more or less.

C:\WP51\TONI\971LEGS

PROJECT NO. 99071

DECEMBER 1, 1999

PAGE 1 of 2

J. Patrick Kelly El Paso Cty, CO

12/06/1999 04:06

Doc \$532.50 Page

Rec \$20.00 2 of 4

099183838

**Obering, Wurth & Associates**  
**Consulting Civil Engineers**  
**Professional Land Surveyors**

1015 Elkton Drive • Colorado Springs, Colorado 80907 • Phone (719) 531-6200 • Fax (719) 531-6266

**LEGAL DESCRIPTION**  
**KIEWIT PROPERTY**  
**3.5 ACRE TRACT**

A tract of land in the West half of the Southwest Quarter of Section 7, Township 16 South, Range 65 West of the 6th P.M., in the City of Fountain, El Paso County, Colorado more particularly described as follows:

Commencing at the Southwest corner of said Section 7; thence N 00°47'02" W, along the Westerly line thereof, 1384.82 feet to a point on the Southerly right-of-way line of existing Charter Oak Ranch Road; thence N 88°01'57" E, along said Southerly right-of-way line, 469.10 feet to the Northeast corner of those tracts of land described in instrument recorded under Reception No. 99098533 of the Records of El Paso County, Colorado and the point of beginning; thence continue N 88°01'57" E, along said Southerly right-of-way line, 272.34 feet; thence S 00°46'10" E, 559.92 feet; thence S 88°01'23" W, 272.34 feet to the Southeast corner of the aforesaid tracts under Reception No. 99098533; thence N 00°46'10" W, along the Easterly line thereof, 559.96 feet to the point of beginning.

Containing 152,460 square feet (3.5000 Acres), more or less.

J. Patrick Kelly El Paso Cty, CO		099183838
12/06/1999	04:06	
Doc	\$532.50	Page
Rec	\$20.00	3 of 4

**EXHIBIT "B"**  
**(Exceptions)**

1. Any and all unpaid taxes and assessments.
2. Reciprocal Easement Agreement dated December 3, 1999 between The Fountain Colony Investment Company and Kiewit Construction Company, recorded in the records of El Paso County, Colorado on December ~~3<sup>RD</sup>~~ 1999 at Reception No. 6<sup>TH</sup> PW 26.M.
3. Notice that the property was annexed to the City of Fountain as disclosed by the recording of Ordinance No. 378 of the City Council of said City, on June 14, 1971 in Book 2414 at Page 937, and again on November 30, 1971 in Book 2452 at Page 265, and the recording of Ordinance No. 386 of the City Council of said City recorded November 30, 1971 in Book 2452 at Page 260.
4. Notice that the property was included within the Fountain Sanitation District as disclosed by the recording of the Order for Inclusion entered in Civil Action No. 32792, of the District Court in and for the County of El Paso and State of Colorado, recorded March 21, 1974 in Book 2663 at Page 335.
5. Terms, conditions, and provisions of Ordinance No. 766 of the City Council of the City of Fountain pertaining to a rezoning of a portion of the subject property to PZ-1, recorded November 13, 1987 in Book 5444 at Page 1278.
6. Notice of the actions of the City Council of the City of Fountain approving a zone change to an I-1 Light Industrial District as disclosed by the recording of Ordinance No. 1067 on November 24, 1997 at Reception No. 97138343

J. Patrick Kelly El Paso Cty, CO  
12/06/1999 04:06 099183838  
Doc \$532.50 Page  
Rec \$20.00 4 of 4



12/06/1999

04:06

099183837

Doc \$22.50

Page

Rec \$15.00

1 of 3



DEC 26 1999

GENERAL WARRANTY DEED

DF \$22.50

15

**TRI-LAND CO., LLC, a Colorado limited liability company**, whose address is 31 North Tejon Street, Suite 400, Colorado Springs, Colorado 80903, for the consideration of Ten Dollars (\$10.00), in hand paid, hereby sells and conveys to **KIEWIT CONSTRUCTION COMPANY, a Delaware corporation**, whose address is Kiewit Plaza, Omaha, Nebraska 68131, the real property in the County of El Paso, State of Colorado, described on Exhibit "A" attached hereto and incorporated herein by this reference, with all its appurtenances, and warrants the title to the same, subject only to the easements, restrictions, reservations and rights of way of record described on Exhibit "B" attached hereto and incorporated herein by this reference.

SIGNED this 3rd day of December, 1999.

**TRI-LAND CO., LLC, a  
Colorado limited liability company**

By: R. L. Marshall

Raymond L. Marshall  
Managing Member

STATE OF COLORADO )  
 ) ss.  
COUNTY OF EL PASO )

The foregoing instrument was acknowledged before me this 3<sup>RD</sup> day of December, 1999, by Raymond L. Marshall, as the Managing Member of Tri-Land Co., LLC, a Colorado limited liability company, on behalf of such company.

Witness my hand and official seal.

My commission expires 3-31-2001

[Signature]  
Notary Public

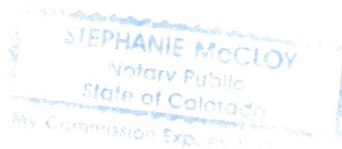


EXHIBIT "A"  
LEGAL DESCRIPTION

**PARCEL A:**

A portion of the West one half of the Southwest Quarter of Section 7, Township 16 South, Range 65 West of the 6th P.M. described as follows:

Commencing at the Southwest corner of said Section 7; thence N 00°46'10" W along the West line thereof for 825.50 feet to the TRUE POINT OF BEGINNING of the tract to be described; thence (1) continuing N 00°46'10" W on said West line for 560.00 feet to a point on the South right of way line of a County Road; (2) N 88°00'50" E on said South right of way line for 410.00 feet; (3) S 00°46'10" E for 404.00 feet; (4) S 42°31'21" W for 218.71 feet; (5) S 88°00'50" W for 260.00 feet to the Point of Beginning; EXCEPTING therefrom the Westerly 80.02 feet thereof.

**PARCEL B:**

A tract of land located in the West one half of the Southwest Quarter of Section 7, Township 16 South, Range 65 West of the 6th P.M., more particularly described as follows:

Commencing at the Northwest corner of a tract conveyed to Mark L. Von Engeln by Deed recorded December 19, 1980 in Book 3387 at Page 843, and later conveyed to L.M. Leigh by Deed recorded January 19, 1981 in Book 3396 at Page 94 in the records of El Paso County, Colorado; thence N 88°00'50" E, along the Northerly boundary of said tract, 410.00 feet to the Northeast corner thereof, and the TRUE POINT OF BEGINNING; thence (1) continuing N 88°00'50" E for 59.13 feet; (2) S 00°46'10" W for 560.00 feet; (3) S 88°00'50" W for 209.13 feet to the Southeast corner of the aforesaid Von Engeln/Leigh tract; (4) N 42°31'21" E, along the Southeasterly boundary of the aforesaid tract, for 218.71 feet; (5) N 00°46'10" W, along the Easterly boundary of said tract, for 404.00 feet to the Point of Beginning.

J. Patrick Kelly El Paso Cty, CO

12/06/1999 04:06

099183837

Doc \$22.50 Page  
Rec \$15.00 2 of 3

**EXHIBIT "B"**  
**(Exceptions)**

1. Any and all unpaid taxes and assessments.
2. A non-exclusive right of way and easement 16 feet wide for the construction and maintenance of a water pipeline conveyed to the City of Fountain by Deed recorded February 27, 1967 in Book 2167 at Page 890. Said easement adjoins Charter Oak Ranch Road.
3. Notice that the property was annexed to the City of Fountain as disclosed by the recording of Ordinance No. 378 of the City Council of said City, on June 14, 1971 in Book 2414 at Page 937, and again on November 30, 1971 in Book 2452 at Page 265, and the recording of Ordinance No. 386 of the City Council of said City recorded November 30, 1971 in Book 2452 at Page 260.
4. Notice that the property was included within the Fountain Sanitation District as disclosed by the recording of the Order for Inclusion entered in Civil Action No. 32792, of the District Court in and for the County of El Paso and State of Colorado, recorded March 21, 1974 in Book 2663 at Page 335.
5. Terms, conditions, and provisions of Ordinance No. 766 of the City Council of the City of Fountain pertaining to a rezoning of a portion of the subject property to PZ-I, recorded November 13, 1987 in Book 5444 at Page 1278 (applies to a portion of Parcel A).
6. Notice of the actions of the City Council of the City of Fountain approving a zone change to an I-1 Light Industrial District as disclosed by the recording of Ordinance No. 1067 on November 24, 1997 at Reception No. 97138343 (applies to Parcel B).

J. Patrick Kelly, El Paso Cty, CO		099183837
12/06/1999	04:06	
Doc	\$22.50	Page
Rec	\$15.00	3 of 3



**TRAVELERS**

**POWER OF ATTORNEY**

Farmington Casualty Company  
Fidelity and Guaranty Insurance Company  
Fidelity and Guaranty Insurance Underwriters, Inc.  
St. Paul Fire and Marine Insurance Company  
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company  
Travelers Casualty and Surety Company  
Travelers Casualty and Surety Company of America  
United States Fidelity and Guaranty Company

Attorney-In Fact No. 228894

Certificate No. 006235905

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Philip G. Dehn, Tammy Pike, Paul A. Foss, Lisa Buller, Marie Huggins, and Traci Sutton

of the City of Omaha, State of Nebraska, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 13th day of January, 2015.

Farmington Casualty Company  
Fidelity and Guaranty Insurance Company  
Fidelity and Guaranty Insurance Underwriters, Inc.  
St. Paul Fire and Marine Insurance Company  
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company  
Travelers Casualty and Surety Company  
Travelers Casualty and Surety Company of America  
United States Fidelity and Guaranty Company



State of Connecticut  
City of Hartford ss.

By: Robert L. Raney  
Robert L. Raney, Senior Vice President

On this the 13th day of January, 2015, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.  
My Commission expires the 30th day of June, 2016.



Marie C. Tetreault  
Marie C. Tetreault, Notary Public