

November 29, 2022

Alan L Lincoln
Kiewit Infrastructure Co.
1550 Mike Fahey St
Omaha, NE 68102

Subject: Post Closing Mining Permit and Reclamation Plan Obligations – Kiewit Continuing Access

Dear Mr. Lincoln,

Effective today and pursuant to the Purchase and Sale Agreement (the “Agreement”) between Kiewit Infrastructure Co. (“Kiewit”) and Copart, Inc. (“Copart”), Kiewit has sold its 320-acre parcel of land in Fountain, Colorado (the “Land”) to Copart.

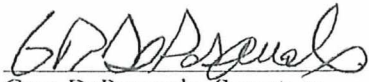
Article 9.29 of the Agreement calls for Kiewit to continue with work to close the existing mining permit and complete all performance of reclamation and conduct inspections of the Land. In addition to Kiewit, access will be needed for consultants, subcontractors, and inspectors from the State of Colorado Division of Reclamation, Mining and Safety (“DRMS”).

Given the above, Kiewit and Copart hereby agree that Kiewit, its consultants, subcontractors, and the DRMS inspectors will have continuing access to the land, as needed, to complete Kiewit’s reclamation responsibilities under the mining permit. Kiewit will provide prior notice to Copart, either by email or telephone, of all instances when access is needed and will coordinate with Copart to set a mutually acceptable date and time. The parties will set a prompt date such that Kiewit can advance the process on a timely basis. The term of this continuing access right shall end upon the final approval of the mining permit close-out by DRMS, but in no event shall it continue for more than three years after the date of the closing.

Copart will cooperate with Kiewit’s efforts to close the mining permit, however, Copart shall not incur any expense related to said close out. This will include, but not be limited to, sharing the Copart development plans and timing of site work on the Land such that Kiewit can report on Copart plans as a part of its submittals to DRMS.

Should you have any questions, please feel free to contact me.

Sincerely,



Greg DePasquale, Secretary

Copart, Inc.
14185 Dallas Parkway, STE #300
Dallas, TX 75240

Agreed and accepted this 29th Day of November, 2022

By: 

Alan L. Lincoln

Its: Director of Real Estate
Kiewit Infrastructure Co.

Cc: Paul White, Kiewit Corporation

STATE OF
COLORADO

Cazier - DNR, Tim <tim.cazier@state.co.us>

FW: Kiewit/Copart Letter Agreement for Access After The Sale - Letter Agreement Suggestions

1 message

Paul.White <Paul.White@kiewit.com>

Tue, Dec 6, 2022 at 3:47 PM

To: "Cazier - DNR, Tim" <tim.cazier@state.co.us>

Cc: "Alan.Lincoln" <Alan.Lincoln@kiewit.com>, "Misty.Gothard" <Misty.Gothard@kiewit.com>, Brian Anderson <banderson@sespeconsulting.com>

Tim:

During our call on Friday afternoon, you asked that we also send a letter indicating that the Fountain land had been sold and also provide proof that Kiewit has continuing access to the property.

In Alan's letter to you of yesterday, he indicated that Copart purchased the land on November 29, 2022. As part of the sale closing process, we also entered into a letter agreement that provides for continued Kiewit access to the property such that we can complete reclamation and gain release on the permit. A copy of the fully-executed access agreement is attached.

Will this work for this requirement or should we drop you another letter indicating that the property sold and attach the access agreement to the notice letter?

Let us know how you want to handle this element.

Thanks.

Paul White

Kiewit Corporation

(402) 650-0278

[1550 Mike Fahey Street](#)[Omaha, NE 68102](#)

From: Paul.White**Sent:** Wednesday, November 30, 2022 8:41 AM**To:** Jon Lawson <jon.lawson@copart.com>**Cc:** Kathyne Evans <Kathyne.Evans@Copart.Com>; Alan.Lincoln <Alan.Lincoln@kiewit.com>**Subject:** FW: Kiewit/Copart Letter Agreement for Access After The Sale - Letter Agreement Suggestions

Good Morning Jon:

Here is the signed letter agreement between Kiewit and Copart that allows for our continued access to deal with mining permit and reclamation plan requirements.

Please add it to your property file.

Paul White

Kiewit Corporation

(402) 650-0278

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Omaha, NE 68102



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