



December 21, 2022

Mr. Patrick Lennberg
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

RE: Blue Grass Gravel Pit, M-2008-001, Succession of Operator

Dear Mr. Lennberg:

I have enclosed an executed application form for transfer of mineral permit and succession of operator for permit M-2008-001. I have also attached a copy of the recorded special warranty deed, demonstrating Martin Marietta's legal right to enter.

The fee of \$144.00 will be paid online per instructions received from Susan Bergmaier.

Should you have additional questions please contact me at 720-612-6232 or phillip.courtney@martinmarietta.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Phillip J. Courtney', written over a horizontal line.

Phillip J. Courtney
Land Manager

West Division

1627 Cole Blvd, Suite 200, Lakewood, CO 80401
t. (720) 245-6400 f. (303) 657-4212
www.martinmarietta.com

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



REQUEST FOR TRANSFER OF MINERAL PERMIT AND SUCCESSION OF OPERATORS APPLICATION PACKET

The Mined Land Reclamation Board ("Board") has approved this Transfer of a Mineral Permit and Succession of Operators Application Packet pursuant to the Mined Land Reclamation Act (C.R.S. § 34-32-101 et. seq.) ("Hard Rock Act") and associated Rules (2 C.C.R. 407-1) ("Hard Rock Rules") and the Land Reclamation Act for the Extraction of Construction Materials (C.R.S. § 34-32.5-101 et. seq.) ("Construction Materials Act") and associated Rules (2 C.C.R. 407-4) ("Construction Materials Rules"). This Application Packet cannot be altered without the consent of the Board.

Applicability

This Transfer of a Mineral Permit and Succession of Operators Application Packet applies to mining operations where the current permitted mine operator ("Permittee") wishes to transfer the Reclamation Permit ("Permit"), along with all associated reclamation responsibilities and liabilities, to a Successor Operator ("Successor"). This process is referred to as a Succession of Operators ("SO").

Filing Requirements for SO Application

An SO Application is not complete until the Division of Reclamation, Mining and Safety ("Division") has received each of the six items listed below. The Board has authorized the Division to review SO Applications and to issue approvals and denials based on its review. The Division will not review incomplete Applications.

- 1) **Application Form:** An Application Form is included in this Application Packet. Please note that the Application Form must be fully completed, and must bear the original notarized signature of an authorized representative of BOTH the Permittee and the Prospective Successor.
- 2) **Application Fee:** If an Application concerns a Hard Rock or Designated Mining Operation, then a filing fee of \$115.00 must be submitted to the Division. See C.R.S. § 34-32-127(2)(a)(I)(L). If an Application concerns a Construction Materials operation, then a filing fee of \$144.00 must be submitted to the Division. See C.R.S. § 34-32.5-125(1)(a)(X). Make all checks payable to the "Colorado Division of Reclamation, Mining and Safety."

- 3) **Performance Warranty Form:** The party wishing to become Successor (“Prospective Successor”) must agree to assume all liability for the reclamation of affected land, and must provide a Performance Warranty covering the same. *See* C.R.S. §§ 34-32-119 and 34-32.5-119. A Performance Warranty Form is included in this Application Packet. The Performance Warranty Form must bear the original notarized signature of an authorized representative of the Prospective Successor.
- 4) **Financial Warranty:** The Prospective Successor must provide Financial Warranties sufficient to cover the cost of completing reclamation in compliance with the Permit, the applicable Act and Rules. *See* C.R.S. §§ 34-32-119 and 34-32.5-119. In order to ensure the adequacy of the Financial Warranties, the Division must recalculate the required Financial Warranty whenever it receives an SO Application. Depending upon the state of the operation and the outstanding reclamation work, the Successor may be required to post a higher (sometimes significantly) or lower Financial Warranty than the Permittee currently has in place.

The Division must act on all SO Applications within 30 days. *See* Hard Rock and Construction Materials Rule 1.12.1(2)(a). Since the Division cannot typically review the amount of the required Financial Warranty within this 30-day period, applicants have the following two options:

Applicants may waive their right to receive a decision within 30 days. If the applicants waive their right to a decision within 30 days, the Division will recalculate the required Financial Warranty *before* issuing its decision on the Application. As a result, the Prospective Successor will know, prior to becoming Successor, whether the current Financial Warranty is adequate to cover the reclamation liability, or if the Financial Warranty must be increased. In this case, the Prospective Successor must submit the full Financial Warranty as part of the Application.

Applicants may decide not to waive their right to a decision within 30 days. If the applicants choose not to waive their right to a 30-day review, the Division will review the Financial Warranty *after* issuing its decision on the Application. In this case, the Prospective Successor must submit a conditional replacement Financial Warranty in the amount of the Permittee’s current Financial Warranty as part of the Application.

If the Application is approved, the Division will conduct an inspection within 60 days to assess the amount of the reclamation liability. If the inspection reveals that the reclamation liability exceeds the amount of the conditional replacement Financial Warranty, the Successor must submit the difference within sixty days. Failure to meet this deadline may result in an enforcement action. If the inspection reveals that the reclamation liability is less than the conditional replacement Financial Warranty, the Successor may request a Financial Warranty reduction for release of the difference.

It is the applicants' right to receive a decision on their complete Application within 30 days. The applicants are free to choose whichever option they decide is best. Permittee and Prospective Successor must designate their decision on the attached Application Form.

- 5) **Demonstration of Legal Right to Enter:** All Permittees must provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation. *See* Hard Rock and Construction Materials Rules 6.3.7 and 6.4.14. To comply with this requirement, the Prospective Successor must demonstrate that he/she/it has obtained a legal right of entry from any and all surface and mineral rights owners in the affected lands, independent of the current Permittee. *See* Hard Rock and Construction Materials Rules 6.3.7, 6.4.14, and 1.6.2(1)(e)(i). This may be a copy of an access lease, deed, abstract of title, current tax receipt, or a signed and notarized statement by the property owners stating that the Prospective Successor has a legal right to enter. *See* Hard Rock and Construction Materials Rule 6.3.7.
- 6) **Structure Agreements:** In many cases, operators must provide the Division copies of agreements to compensate the owners of any significant, valuable, and permanent man-made structures and utilities within 200 feet of the affected land ("Structure Agreements"). *See* Hard Rock Rules 6.3.12 and 6.4.20; Construction Materials Rules 6.3.12 and 6.4.19. If the Permittee was required to provide Structure Agreements, the Prospective Successor must obtain *new* Structure Agreements from each owner and provide copies of the same to the Division with the Application.

Application Review Process

The Division will grant an Application if it finds that all required information has been submitted, that the Prospective Successor is capable of assuming all responsibility for original permit by virtue of acceptable performance and Financial Warranties, and that the Prospective Successor has no outstanding violations. *See* C.R.S. §§ 34-32-119 and 34-32.5-119. If the Division does not act within 30 days from the date that a complete Application has been filed, the Application will be considered automatically approved. *See* Hard Rock and Construction Materials Rule 1.12.1(2). If an Application is denied, the Division will notify the Permittee and Prospective Successor no later than 10 days from the date it renders its decision. Both the Permittee and Prospective Successor may appeal a denial of an Application to the Board by submitting a written request for an administrative appeal hearing to the Board within 30 days of final decision date. *See* Hard Rock and Construction Materials Rule 1.4.11.

Application Checklist

- ☐ **Application Form:** Complete the form located on page 5.
- ☐ **Application Fee:** Include check payable to Colorado Division of Reclamation, Mining and Safety.
- ☐ **Performance Warranty:** Complete the form located on page 11.
- ☐ **Financial Warranty:** Submit the appropriate Financial Warranties or conditional replacement Financial Warranties using the forms posted on the Division's website (available online at <http://mining.state.co.us/Mineral%20Forms.htm>).
- ☐ **Demonstration of Legal Right to Enter:** Identify the owners of all surface and mineral rights, obtain the documentation described above, and submit to the Division.
- ☐ **Structure Agreements:** Obtain new Structure Agreements if Permittee had been required to do so.

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
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APPLICATION FORM FOR TRANSFER OF MINERAL PERMIT AND SUCCESSION OF OPERATORS

ADMINISTRATIVE INFORMATION

Permit Information

Permit Number: M-2008-001

Operation Name: Blue Grass Gravel Pit

Permittee Information

Contact Person: John Sliman

Company Name: Southwest Farms, Inc.

Street Address: 1825 Chianti Court

City: Pueblo

State: CO Zip: 81001

Phone: (719) 240-2575

Email (optional): jfs57@comcast.net

Prospective Successor Information

Contact Person: Phillip Courtney

Company Name: Martin Marietta Materials, Inc.

Street Address: 1627 Cole Blvd., Suite 200

City: Lakewood

State: CO Zip: 80401

Phone: (720) 612-6232

Email (optional): phillip.courtney@martinmarietta.com

Other Reclamation Permits held by Prospective Successor (if applicable):

M-1974-004, M-1974-015, M-1988-042, M-2000-016, M-2009-082, M-2002-009,
M-1981-037, M-1986-159, M-1985-218, M-2011-001, M-2001-051, M-2000-158

M-1977-036, M-1977-439, M-1979-191, M-2003-091

DESIGNATION OF REVIEW TIMELINE

As explained above, the Permittee and Prospective Successor may waive their right to receive a decision on an Application within 30 days in order to allow the Division to calculate the required Financial Warranty before issuing its decision. Permittee and Prospective Successor must initial one of the following two options to designate their choice. If Permittee and Prospective Successor cannot agree, the Division will render its decision within 30 days.



Permittee

Prospective Successor

I have reviewed the information provided in this Application Packet, as well as the applicable Act and Rules. Having been fully informed, I wish to WAIVE MY RIGHT TO A DECISION ON MY APPLICATION WITHIN 30 DAYS.



Permittee

Prospective Successor

I have reviewed the information provided in this Application Packet, as well as the applicable Act and Rules. Having been fully informed, I wish to MAINTAIN MY RIGHT TO A DECISION ON MY APPLICATION WITHIN 30 DAYS.

The Prospective Successor must provide an adequate Financial Warranty or *conditional* replacement Financial Warranty, consistent with the designation above. Hard Rock and Construction Materials Rule 4.3 describes the various acceptable types of Financial Warranties. Each Financial Warranty must be submitted on the Board's approved forms (available online at <http://mining.state.co.us/Mineral%20Forms.htm>).

DUE DILIGENCE CERTIFICATION

The Board wishes to ensure that Prospective Successors are fully informed of their duties and obligations should they become Successor to the Permit. Accordingly, the Prospective Successor must carefully review the items below and must initial indicating its agreement and understanding.

A.G.L.

If the Application is approved, the Prospective Successor will assume all liability for the reclamation of the affected land, and for compliance with the Hard Rock Act and Rules or the Construction Materials Act and Rules, as applicable (available online at <http://mining.state.co.us/Rules%20and%20Regs.htm>). Successor will be liable for any pre-existing conditions or violations, whether known or unknown at the time of the SO. It is the Prospective Successor's sole responsibility to investigate the operation prior to filing an Application.

A.G.L.

If the Application is approved, the Successor will be solely responsible for maintaining the mining and reclamation operations in compliance with the Reclamation Permit. The Permit includes the original approved Application, along with any and all subsequent revisions, amendments, and conversions thereto. It is not uncommon for a Permit to include dozens of documents that span many years. It is the Successor's sole responsibility to obtain a full and complete copy of the Permit and to understand the extent of his/her/its obligations thereunder. Permit documents may be purchased from the Division of Reclamation, Mining and Safety (the "Division") upon request or viewed on the Division's website at <http://drmsweblink.state.co.us/drmsweblink/search.aspx?dbid=0>

A.G.L.

If the Application is approved, the Successor must submit Annual Fees and Annual Reports to the Division on the anniversary date of the Reclamation Permit. For hard rock and designated mining operations, consult C.R.S. § 34-32-127(2) for the amount of the Annual Fee. For construction materials operations, consult the C.R.S. § 34-32.5-125 for the amount of the Annual Fee. Required annual reporting information is described in Hard Rock and Construction Materials Rule 1.15 and in the Annual Report Form provided by the Division. Failure to submit Annual Fees or Annual Reports may result in enforcement action.

**APPLICANTS' AGREEMENT TO REQUEST TRANSFER
OF MINERAL PERMIT AND SUCCESSION OF OPERATORS**

WHEREAS, on October 28, 2021 Permit Number M-2008-001 ("Permit") was granted to Southwest Farms, Inc. ("Permittee"), pursuant to which Permit, Permittee has engaged in a mining operation located in Pueblo County, Colorado.

WHEREAS, The Permit includes and incorporates any and all subsequent Amendments, Technical Revisions and/or Conversions.

WHEREAS, Permittee wishes to assign the entire Permit, along with all associated rights and responsibilities to Martin Marietta Materials, Inc. ("Prospective Successor"), and Prospective Successor wishes to become Successor Permittee under the Permit.

WHEREAS, Prospective Successor has inspected the mining and reclamation operations and is fully aware of the conditions thereof.

WHEREAS, Prospective Successor understands that the Reclamation Plan (the "Plan") is an integral part of the Permit and is required by law. Prospective Successor has had an opportunity to thoroughly review the Plan, understands that the Plan has not been completed and that, if Prospective Successor becomes Successor, he/she/it will assume full responsibility for the completion of the Plan.

NOW THEREFORE, Permittee and Prospective Successor hereby agree, for their own benefit and for the benefit of the State, as follows:

Prospective Successor agrees to accept all of the conditions of the Permit, including the condition that the operation remains in compliance with all applicable laws and regulations, and to perform all of the obligations of the Permittee under the Permit.

Prospective Successor agrees to complete the Plan, and to assume all liability for the same, as to all areas presently disturbed, as well as to all areas hereafter disturbed.

Prospective Successor agrees to submit to the Division of Reclamation, Mining and Safety ("Division"), Performance and Financial Warranties, as required by applicable law and regulations, which will be substituted for the Performance and Financial Warranties previously filed by the Permittee, if and when the Division approves a Transfer of Mineral Permit and Succession of Operators ("SO") and releases the latter Warranties.

Prospective Successor represents to the State that, to the best of its knowledge, information and belief, it is not in violation of any of the provisions of the Mined Land Reclamation Act (C.R.S. § 34-32-101 *et. seq.*) ("Hard Rock Act") and associated Rules (2 C.C.R. 407-1) ("Hard Rock Rules") or the Land Reclamation Act for the Extraction of

Construction Materials (C.R.S. § 34-32.5-101 *et. seq.*) ("Construction Materials Act") and associated Rules (2 C.C.R. 407-4) ("Construction Materials Rules"), with respect to any other operation conducted by the Prospective Successor in the State of Colorado.

Permittee and Prospective Successor hereby request that the Mined Land Reclamation Board ("Board") approves their SO Application, recognizes the Prospective Successor as Successor Operator under the Permit, accepts the Prospective Successor's Performance and Financial Warranties, and releases the current Permittee's Performance and Financial Warranties.

SIGNED, SEALED AND DATED this 13TH day of December, 2022.

PERMITTEE

Southwest Farms, Inc.

Name of Permittee

By

[Signature]
Signature of Officer

President

Title of Officer

PROSPECTIVE SUCCESSOR

Martin Marietta Materials, Inc.

Name of Prospective Successor

By

[Signature]
Signature of Officer

President, West Division

Title of Officer

NOTARY FOR PERMITTEE

STATE OF

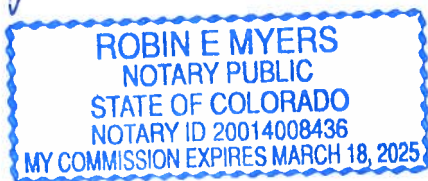
CO

COUNTY OF

Franklin

) ss.:
)

The foregoing instrument was acknowledged before me this 13 day of December, 2022
by John Seneca as President of Southwest Farms, Inc.



Notary Public

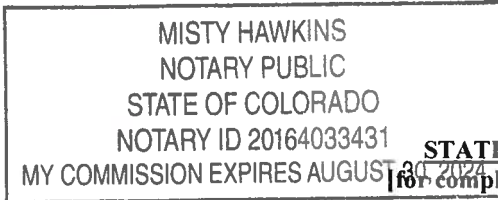
My Commission Expires

[Signature]
3/18/25

NOTARY FOR PROSPECTIVE SUCCESSOR

STATE OF Colorado)
) ss.:
COUNTY OF Jefferson)

The foregoing instrument was acknowledged before me this 12 day of December, 2022,
by Abbott Lawrence as Division ^{West} President of Marion Marietta.



Notary Public Misty Hawkins
My Commission Expires 08/30/2024

STATE APPROVAL
[for completion by Division]

- (a) The Board hereby approves the transfer of permit number _____ from _____ to _____.
- (b) The Board hereby recognizes _____ as Successor Operator under such Permit.
- (c) The Board hereby accepts the Performance and Financial Warranties submitted by Successor and hereby releases _____, as former Permittee from all obligations under its Performance and Financial Warranties. The Board further releases all affected financial warrantors from obligations under Financial Warranties associated with the former Permittee.

STATE OF COLORADO
DEPARTMENT OF NATURAL RESOURCES
MINED LAND RECLAMATION BOARD
DIVISION OF RECLAMATION, MINING AND SAFETY

By: _____
Division Director

Date Executed: _____

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



PERFORMANCE WARRANTY

Operator: Martin Marietta Materials, Inc.
Operation: Blue Grass Gravel Pit
Permit Number: M-2008-001

This form has been approved by the Mined Land Reclamation Board ("Board") pursuant to the Mined Land Reclamation Act (C.R.S. § 34-32-101 et. seq.) ("Hard Rock Act") and associated Rules (2 C.C.R. 407-1) ("Hard Rock Rules") and the Land Reclamation Act for the Extraction of Construction Materials (C.R.S. § 34-32.5-101 et. seq.) ("Construction Materials Act") and associated Rules (2 C.C.R. 407-4) ("Construction Materials Rules"). Any alteration or modification of this form, without approval by the Board shall result in the performance warranty being invalid and result in the voiding of any permit issued in conjunction with such invalid performance warranty and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to sections 34-32-123, C.R.S. of the Hard Rock Act and 34-32.5-123, C.R.S. of Construction Materials Act.

KNOW ALL MEN BY THESE PRESENTS, THAT:

WHEREAS, the Colorado Mined Land Reclamation Act, C.R.S. § 34-32-101 et seq. (the "Hardrock Act"), as amended, and the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. § 34-32.5-101 et seq. (the "Construction Materials Act"), as amended (collectively the "Acts"), provide that no permit may be issued until the Mined Land Reclamation Board (the "Board") receives a performance warranty consisting of the Operator's written promise to comply with the requirements of the Hardrock or Construction Materials Act, whichever is applicable.

WHEREAS, Martin Marietta Materials, Inc. (the "Operator"), has applied for a permit to conduct a mining operation known as Blue Grass Gravel Pit (the "Operation") on certain lands in Pueblo County, Colorado. These lands are described in the permit application, as amended and supplemented, and are referred to herein as the "Affected Lands."

WHEREAS, in its application for the permit, the Operator has agreed to be bound by all requirements of the Hardrock or Construction Materials Act and all applicable rules and regulations of the Board, as amended from time to time.

WHEREAS, the Operator hereby gives the Board this performance warranty pursuant to C.R.S. §§ 34-32-117(2) or 34-32.5-117(2), and herein promises the Board that it will comply with all applicable requirements of the Hardrock or Construction Materials Act.

NOW, THEREFORE, The Operator hereby promises the Board that it will comply with all applicable requirements of the Hard Rock or Construction Materials Act and applicable rules and regulations of the Board.

The Operator hereby promises the Board that it will comply with all of the terms of the application for a permit, as amended and supplemented, as well as any conditions attached to the permit by the Board.

The Operator promises the Board, pursuant to C.R.S. §§ 34-32-112(1)(d) or 34-32.5-112(1)(b)(IV), that it has the lawful authority to enter upon the Affected Lands to conduct mining operations, including, but not limited to, reclamation. The Operator further recognizes the right of the Board to enter to reclaim lands affected by the Operation.

The description of lands herein is for convenience of reference only, and no error in such description, revision of the permitted mining area, or disturbance by the Operator of lands outside of the permitted mining area shall alter or diminish the Operator's obligation hereunder, which shall extend to the reclamation of all such lands disturbed.

The obligation of the Operator hereunder is such that, if the Operator shall successfully comply with the requirements of the Hardrock or Construction Materials Act, applicable rules and regulations, and the permit, then the Board, upon a finding that the Operator has so complied, shall release this performance warranty, and the Operator from its obligation hereunder. The obligation of the Operator hereunder shall continue until released by the Board in accordance with applicable law.

The Operator promises to be responsible for the cost of reclamation up to the amount established by the Board and has attached hereto its financial warranty, in accordance with C.R.S. §§ 34-32-117(3) or 34-32.5-117(3). The Operator agrees that it will maintain a financial warranty (or warranties) covering the Board's estimated costs of reclamation in good standing for the entire life of the permit. If the Operator is a unit of County or Municipal government, or is a department or division of State government, the Operator is not required to submit or post any other instrument of financial responsibility but hereby promises to be responsible for the cost of reclamation up to the amount specified by the Board.

If the Board determines that the Operator is in default under this performance warranty and has failed to cure such default, although written notice of such default and ample time to cure such default have been given, the Operator's financial warranty shall be subject to forfeiture.

This performance warranty may be executed in multiple copies, each of which shall be treated as an original, but together they constitute only one agreement, the validity and interpretation of which shall be governed by the laws of the State of Colorado. The provisions hereof shall bind and inure to the benefit of the parties hereto and their successors and assigns.

SIGNED, SEALED AND DATED this 12 day of December, 2022.

[Signature]
Operator _____ (SEAL)

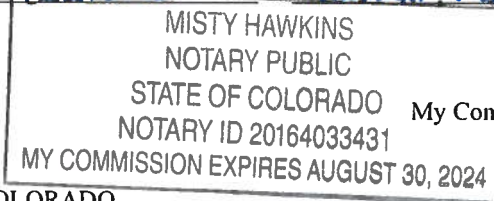
By: Abbott Lawrence

Title: President, West Division

NOTARIZATION OF OPERATOR'S ACKNOWLEDGEMENT

STATE OF Colorado)
) ss.:
COUNTY OF Jefferson)

The foregoing instrument was acknowledged before me this 12 day of December, 2022,
by Abbott Lawrence as President, West Division of Martin Marietta.



Notary Public Misty Hawkins
My Commission Expires 08/30/2024

STATE OF COLORADO
DEPARTMENT OF NATURAL RESOURCES
MINED LAND RECLAMATION BOARD
DIVISION OF RECLAMATION, MINING AND SAFETY

By: _____
Division Director

Date Executed: _____

Rev. 05/12

After recording return to:

Otten Johnson Robinson
Neff & Ragonetti, P.C.
950 17th Street, Suite 1600
Denver, CO 80202
Attn: Bryce Beecher, Esq.

SPECIAL WARRANTY DEED

SOUTHWEST FARMS, INC., a Colorado corporation ("Grantor"), whose street address is 1825 Chianti Court, Pueblo, Colorado 81001, for the consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby sells and conveys to **MARTIN MARIETTA MATERIALS REAL ESTATE INVESTMENTS, INC.**, a North Carolina corporation ("Grantee"), whose street address is 1627 Cole Boulevard, Suite 200, Lakewood, Colorado 80401, all of Grantor's right, title and interest in and to the real property in the County of Pueblo, State of Colorado, that is described on Exhibit A attached hereto and made a part hereof (the "**Property**"), together with all of Grantor's right, title and interest in and to (i) all improvements, structures and fixtures placed, constructed or installed on the Property; (ii) any and all easements, rights, benefits, privileges, easements, tenements, and appurtenances thereon or in any manner appertaining thereto, including, without limitation, any right, title, and interest of Grantor, if any, in and to adjacent streets, alleys, easements, and rights-of-way; and (iii) all mineral rights, including sand, gravel, aggregate, granite, and limestone minerals; but excluding any water and water rights, which are granted and conveyed to Grantee by separate Bargain and Sale Deed executed contemporaneously herewith.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns forever; and Grantor does hereby bind itself and its successors and assigns to **WARRANT AND FOREVER DEFEND** all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise; subject to (i) zoning ordinances affecting the Property, (ii) ad valorem taxes not yet due and payable, all easements, covenants, restrictions and other matters of record on or as of the date hereof, (iii) all matters that would be disclosed by an accurate survey of the Property, including without limitation, all matters disclosed by (1) the ALTA/NSPS Land Title Survey, certified December 5, 2022, prepared by Survwest, Job #P220156 –Pueblo County – ALTA-1, (2) the ALTA/NSPS Land Title Survey, certified December 5, 2022, prepared by Survwest, Job #P220156 –Pueblo County – ALTA-2, and (3) the ALTA/NSPS Land Title Survey, certified December 5, 2022, prepared by Survwest, Job #P220156 –Pueblo County – ALTA-3, and (iv) those matters set forth on Exhibit B attached hereto and made a part hereof.

[Remainder of Page Intentionally Left Blank; Signature Page to Follow]



201426

EXHIBIT A

(to Special Warranty Deed
from Southwest Farms, Inc., as Grantor, to
Martin Marietta Materials Real Estate Investments, Inc., as Grantee)

Legal Description of Real Property

PARCEL A:

A PARCEL OF LAND LOCATED IN SECTIONS 33 AND 34, TOWNSHIP 20 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF PUEBLO, STATE OF COLORADO; A PARCEL OF LAND BEING A PORTION OF THE E1/2 OF THE NE1/4 OF SEC 33 AND THE W1/2 OF SECTION 34, TOWNSHIP 20 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF PUEBLO, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF COLORADO STATE HWY NO. 96 AND THE CENTERLINE OF 39TH LANE AS IT EXISTS ON MAY 7, 1992 FROM WHICH THE NW CORNER OF SAID SECTION 34 BEARS N 75° 27' 50" W (BEARINGS BASED ON THE LINE OF SAID SECTION 33 MONUMENTED AT THE NE CORNER WITH AN AXLE AND AT THE NW CORNER WITH A 2-1/2 FT ALUMINUM MONUMENT PLS 16128, ASSUMED TO BEAR N 89° 59' 18" W) A DISTANCE OF 2258.14 FT; THENCE S 3° 9' 41" W ALONG SAID THE CENTERLINE OF 39TH LANE A DISTANCE OF 1167.32 FT; THENCE S 23° 20' 50" E A DISTANCE OF 98.06 FEET; THENCE S 5° 29' 34" W A DISTANCE OF 2001.99 FEET TO A POINT ON THE NORTHERLY LINE OF A PARCEL OF LAND DESCRIBED IN SPECIAL WARRANTY DEED RECORDED OCTOBER 27, 1988 IN BOOK 2417 AT PAGE 977 TO 982 AT RECEPTION NO. 874758 IN THE RECORDS OF THE PUEBLO COUNTY CLERK. RECORDER: THENCE NORTHWESTERLY ALONG SAID LINE THE FOLLOWING NINETEEN (19) COURSES;

- 1) THENCE S 5 DEG 52 MIN 13 SEC W A DISTANCE OF 46.25 FEET;
- 2) THENCE N 73 DEG 58 MIN 57 SEC W A DISTANCE OF 674.56 FEET;
- 3) THENCE N 61 DEG 24 MIN 19 SEC W A DISTANCE OF 129.10 FEET;
- 4) THENCE N 40 DEG 10 MIN 36 SEC W A DISTANCE OF 122.59 FEET;
- 5) THENCE N 62 DEG 45 MIN 31 SEC W A DISTANCE OF 95.01 FEET;
- 6) THENCE N 76 DEG 50 MIN 30 SEC W A DISTANCE OF 83.89 FEET;
- 7) THENCE N 84 DEG 5 MIN 46 SEC W A DISTANCE OF 416.84 FEET;
- 8) THENCE N 64 DEG 6 MIN 24 SEC W A DISTANCE OF 138.87 FEET;
- 9) THENCE N 22 DEG 6 MIN 2 SEC W A DISTANCE OF 157.21 FEET;
- 10) THENCE N 12 DEG 4 MIN 30 SEC W A DISTANCE OF 235.19 FEET;
- 11) THENCE N 5 DEG 30 MIN 21 SEC W A DISTANCE OF 152.75 FEET;
- 12) THENCE N 34 DEG 48 MIN 34 SEC W A DISTANCE OF 232.50 FEET;
- 13) THENCE N 64 DEG 3 MIN 55 SEC W A DISTANCE OF 298.90 FEET;
- 14) THENCE N 39 DEG 12 MIN 25 SEC W A DISTANCE OF 345.55 FEET;
- 15) THENCE N 24 DEG 45 MIN 34 SEC W A DISTANCE OF 324.46 FEET;
- 16) THENCE N 11 DEG 32 MIN 51 SEC W A DISTANCE OF 193.75 FEET;
- 17) THENCE N 17 DEG 32 MIN 19 SEC W A DISTANCE OF 365.33 FEET;
- 18) THENCE N 28 DEG 1 MIN 37 SEC W A DISTANCE OF 115.22 FEET;
- 19) THENCE N 13 DEG 5 MIN 27 SEC E A DISTANCE OF 1053.25 FEET;

MORE OR LESS TO A POINT ON THE SAID SOUTHERLY RIGHT OF WAY LINE OF COLORADO STATE HWY NO. 96; THENCE S 83° 38' 50" E ALONG SAID SOUTHERLY RIGHT

OF WAY LINE A DISTANCE OF 2627.84 FEET MORE OR LESS TO THE POINT OF BEGINNING, EXCEPTING PROPERTY SOLD TO JOHN SLIMAN AND BRUCE SOUTHWAY D/B/A JBCO AND MINERAL RESERVES, INC. BY WARRANTY DEED RECORDED FEBRUARY 23, 1998 IN BOOK 3088 AT PAGE 106 AT RECEPTION NO. 1206107.

PORTIONS OF PARCEL B:

S1/2 NW1/4, SECTION 34, TOWNSHIP 20 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF PUEBLO, STATE OF COLORADO;

SW1/4 PART NORTH OF RIVER, SECTION 34, TOWNSHIP 20 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF PUEBLO, STATE OF COLORADO,

EXCEPTING PROPERTY SOLD TO SOUTHWEST READY-MIX INC OF PUEBLO BY SPECIAL WARRANTY DEED RECORDED OCTOBER 27, 1988 IN BOOK 2417 AT PAGE 977 TO 982 AT RECEPTION NO. 874758, EXCEPTING PROPERTY SOLD TO SOUTHWEST READY-MIX INC. OF PUEBLO BY SPECIAL WARRANTY DEED RECORDED OCTOBER 23, 1992 IN BOOK 2621 AT PAGE 69 AT RECEPTION NO. 988660 AND EXCEPTING PROPERTY SOLD TO DONNIE J. SCIUMBATO AND TAMMY J. SCIUMBATO BY WARRANTY DEED RECORDED APRIL 14, 1994 IN BOOK 2725 AT PAGE 944 AT RECEPTION NO. 1041083.

PORTIONS OF PARCEL B:

N1/2 NE1/4 LYING SOUTHERLY OF COLORADO STATE HWY NO. 96, SECTION 34, TOWNSHIP 20 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF PUEBLO, STATE OF COLORADO;

SE1/4 NE1/4, SECTION 34, TOWNSHIP 20 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF PUEBLO, STATE OF COLORADO, EXCEPTING A TRACT 200 FEET OFF SOUTH SIDE AND TRACT 40 FEET OFF EAST SIDE OF SE1/4 NE1/4;

EXCEPTING PROPERTY SOLD TO SOUTHWEST READY-MIX INC OF PUEBLO BY SPECIAL WARRANTY DEED RECORDED OCTOBER 27, 1988 IN BOOK 2417 AT PAGE 977 TO 982 AT RECEPTION NO. 874758, EXCEPTING PROPERTY SOLD TO SOUTHWEST READY-MIX INC. OF PUEBLO BY SPECIAL WARRANTY DEED RECORDED OCTOBER 23, 1992 IN BOOK 2621 AT PAGE 69 AT RECEPTION NO. 988660 AND EXCEPTING PROPERTY SOLD TO DONNIE J. SCIUMBATO AND TAMMY J. SCIUMBATO BY WARRANTY DEED RECORDED APRIL 14, 1994 IN BOOK 2725 AT PAGE 944 AT RECEPTION NO. 1041083.

PARCEL C:

NE1/4 SE1/4, SECTION 34, TOWNSHIP 20 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF PUEBLO, STATE OF COLORADO, AND A TRACT 200 FEET OFF SOUTH SIDE AND TRACT 40 FEET OFF EAST SIDE OF SE1/4 NE1/4, SECTION 34 TOWNSHIP 20 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF PUEBLO, STATE OF COLORADO, EXCEPTING PROPERTY SOLD TO SOUTHWEST READY-MIX INC OF PUEBLO BY WARRANTY DEED RECORDED OCTOBER 27, 1988 IN BOOK 2417 AT PAGE 977 TO 982 AT RECEPTION NO. 874758, AND EXCEPTING PROPERTY SOLD TO DONNIE J. SCIUMBATO AND TAMMY J. SCIUMBATO BY WARRANTY DEED RECORDED APRIL 14, 1994 IN BOOK 2725 AT PAGE 944 AT RECEPTION NO. 1041083.

PARCEL D:

THAT PART OF THE FOLLOWING LEGAL IN THE W1/2 OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF PUEBLO, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF US HWY NO. 50B FROM WHICH THE SE CORNER OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF PUEBLO, STATE OF COLORADO; BEARS N 80° 34' 31" W (BEARINGS BASED ON THE S LINE OF SAID SECTION 28 MONUMENTED AT THE SE CORNER WITH AN AXLE AND AT THE SW CORNER WITH A 2 1/2 INCH ALUMINUM MONUMENT, PLS 16128, ASSUMED TO BEAR N 89° 59' 18" W) A DISTANCE OF 7486.21 FEET; THENCE S 02° 15' 47" E A DISTANCE OF 352.24 FEET; THENCE S 1° 5' 14" E A DISTANCE OF 663.78 FEET; THENCE S 3° 36' 23" W A DISTANCE OF 621.42 FEET; THENCE S 9° 59' 9" E A DISTANCE OF 324.21 FEET; THENCE S 1° 4' 33" E A DISTANCE OF 471.23 FT; THENCE S 84° 17' 34" W A DISTANCE OF 941.10 FEET; THENCE S 16° 27' 11" E A DISTANCE OF 260.86 FT; THENCE S 12° 11' 29" E A DISTANCE OF 391.88 FEET; THENCE S 33° 10' 17" W A DISTANCE OF 230.86 FEET; THENCE S 65° 34' 31" W A DISTANCE OF 298.34 FEET; THENCE S 37° 23' 29" W A DISTANCE OF 29.22 FEET TO A POINT ON THE NORTHERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN THAT SPECIAL WARRANTY DEED RECORDED OCTOBER 27, 1988 IN BOOK 2417 AT PAGE 977 TO 982 AT RECEPTION NO. 874758 IN THE RECORDS OF THE PUEBLO COUNTY CLERK AND RECORDER, THENCE WESTERLY ALONG SAID NORTHERLY LINE THE FOLLOWING EIGHT (8) COURSES;

- 1) N 52 DEG 36 MIN 31 SEC W, A DISTANCE OF 1012.62 FEET;
- 2) N 43 DEG 00 MIN 45 SEC W, A DISTANCE OF 87.77 FEET;
- 3) N 01 DEG 39 MIN 56 SEC W, A DISTANCE OF 425.93 FEET;
- 4) N 50 DEG 45 MIN 33 SEC W, A DISTANCE OF 1290.04 FEET
- 5) N 27 DEG 42 MIN 12 SEC W, A DISTANCE OF 23.40 FEET;
- 6) S 66 DEG 35 MIN 20 SEC W, A DISTANCE OF 601.89 FEET;
- 7) S 63 DEG 02 MIN 43 SEC W, A DISTANCE OF 1761.89 FEET;
- 8) S 89 DEG 57 MIN 5 SEC W, A DISTANCE OF 263.82 FEET;

THENCE N 5° 29' 34" E A DISTANCE OF 2001.99 FEET; THENCE N 23° 20' 50" W A DISTANCE OF 98.06 FEET; THENCE N 3° 9' 41" E A DISTANCE OF 1163.94 TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID US HWY NO. 50B; THENCE EASTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 5243.9 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL E:

THAT PART OF SECTION 36, TOWNSHIP 20 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY OF PUEBLO, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 114 FEET NORTHERLY FROM AND AT RIGHT ANGLES TO GIL MAIN TRACT AND SANTA FE RAILROAD OPP PROFILE STATION 7183, 96.7 FEET AT DINSMORE AND 365.07 FEET BEARING N 76° 51' W FROM NE CORNER OF SW1/4 NW1/4 SECTION 36 THENCE N 07° 36' E 150 FEET; THENCE N 82° 34' W 327.3 FEET; THENCE S 151.27 FEET; THENCE S 82° 34' E 307.73 FEET TO THE POINT OF BEGINNING.

COUNTY OF PUEBLO
STATE OF COLORADO

EXHIBIT B

(to Special Warranty Deed
from Southwest Farms, Inc., as Grantor, to
Martin Marietta Materials Real Estate Investments, Inc., as Grantee)

Permitted Exceptions

1. Taxes and assessments for the year 2022 and subsequent years, a lien not yet due or payable.
2. Right of way for Excelsior Ditch as described in instrument recorded March 31, 1886 in Book 49 at Page 435. (Affects Parcels A, B, C and D only)
3. Right of way granted to Ford, Bacon & Davis, Inc. for lines of gas, petroleum or any of its products and communication line purposes in instrument recorded October 18, 1927 in Book 675 at Page 486. (Affects Parcel A and Parcel B only)
4. Right of way and agreement granted to Southern Colorado Power Company for electrical line purpose in instrument recorded June 6, 1935 in Book 817 at Page 57 and Book 817 at Page 58. (Affects Parcels A, B, C and D only)
5. Easements for irrigation ditches as set forth in Quit Claim Deed recorded June 01, 1938 in Book 853 at Page 317, said ditches lying adjacent to the roads granted to Pueblo County in said Deed. (Affects Parcels A, B, C and D only)
6. Easement for drilling, digging and Construction one or more wells and to install pumping plants recorded January 16, 1944 in Book 960 at Page 315. (Affects Parcels A, B, and C only)
7. Undivided one-half interest in all oil, gas and other mineral rights, as reserved by The Excelsior Land and Livestock Company in the Deed recorded January 18, 1944 in Book 961 at Page 107, and any interests therein or rights thereunder. (Affects Parcels A, B, C and D only)
8. Right of way and easement granted to the State Highway Commission to provide 1/2 maintenance on a waste ditch in instrument recorded May 2, 1952 in Book 1182 at Page 80. (Affects Parcels A, B, and C only)
9. Right of Way and easement granted to the State Highway Commission in instrument recorded April 16, 1953 in Book 1208 at Page 77. (Affects Parcels A, B, C and D only)
10. Undivided one-tenth interest in all oil and gas distributed by the County Court in and for the County of Pueblo as set forth in instrument recorded November 28, 1960 in Book 1436 at Page 443, and any interests therein or rights thereunder.
11. Terms and Conditions of right of way and easement for natural gas pipeline purpose in instrument recorded August 7, 1963 in Book 1525 at Page 143.
12. Colorado Interstate Gas Company Catholic Protection Unit Easement granted to Colorado Interstate Gas Company in instrument recorded June 19, 1989 in Book 2450 at Page 302. (Affects Parcel A and Parcel B only)
13. Reservation by Grantor, The Travelers Insurance Company, a Connecticut corporation, of all mineral rights, a nonexclusive and irrevocable easement for underground irrigation pipeline currently located in the Property, and covenants and agreements as contained in Special Warranty Deed recorded October 23, 1992 in Book 2621 at Page 69, and any interests therein or rights thereunder. (Affects Parcels A, B, C and D only)

IN WITNESS WHEREOF, Grantor has executed this deed on the date set forth below.

Signed as of this 13th day of December, 2022.

Southwest Farms, Inc.,
a Colorado corporation

By: [Signature]
Name: John Sliman
Its: President

STATE OF COLORADO)
COUNTY OF Duchess) ss:

The foregoing instrument was acknowledged before me this 13 day of December, 2022,
by John Sliman, the President of Southwest Farms, Inc., a Colorado corporation, on behalf of such
corporation.

Witness my hand and official seal.

My Commission expires: 9/18/25

[Signature]
Notary Public

