



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

February 16, 2023

Baxter Kirkland
Kirkland Construction, R.L.L.P.
P.O. Box 580
Rye, CO 81069

Jodi Schreiber
Fremont Paving and Redi Mix, Inc.
PO Box 841
Canon City, CO 81215

RE: Two Rivers Pit, Permit No. M-1998-038, Incomplete Application for Transfer of Mineral Permit and Succession of Operators, Revision SO-1

Dear Mr. Kirkland and Ms. Schreiber:

On February 14, 2023 the Division of Reclamation, Mining and Safety received the Application Form for Transfer of Mineral Permit and Succession of Operators from Kirkland Construction, R.L.L.P. to Fremont Paving and Redi Mix, Inc., for the Two Rivers Pit, Permit M-1998-038. The following items are incomplete for the application to be processed:

Application Form

1. On the first page of the application, the Operation Name is given as "2 Rivers". According to the permit issued by the MLRB, the operation name is "Two Rivers Pit". Please revise and resubmit the page.
2. On the first page of the application, under Permittee Information, the Contact Person (James H. Kirkland)'s title says "General Ppartner". Please update this to read "General Partner" and resubmit the page.
3. On the first page of the application, under Prospective Successor Information, Fremont Paving and Redi Mix, Inc.'s address is given as PO Box 841. According the Colorado Secretary of State website, the PO Box number is PO Box 566. Please either update the address on the application or provide justification as to why the mail box



is given as PO Box 841 instead.

4. On page six of the application, under “Other Reclamation Permits held by Prospective Successor” the Prospective Successor lists 20 permits. Eight permits were missing from the list, 10 were under a different company name, and two were incorrect/do not exist. Please see the following lists and update page six of the application to only reflect the permits held by Fremont Paving and Redi Mix, Inc. and resubmit the page.

a. **Missing permits held by Fremont Paving and Redi Mix, Inc.:**

M-2000-041, M-2012-045, M-2018-015, M-2019-021, M-2020-002, M-2020-006, M-1987-131, and M-1990-112

b. **Permits under Hard Rock Paving and Redi Mix, Inc.:**

M-1977-196, M-1984-101, M-1985-008, and M-1977-197

c. **Permits under All-Rite Paving & Redi-Mix, Inc.:**

M-1997-071, M-1981-279, M-2010-012, M-2007-007, M-2013-053, and M-2014-025

d. **Incorrect/non-existent permits:**

M-1999-112 and M-213-053

5. On page eight of the application titled “Applicants’ Agreement to Request Transfer of Mineral Permit and Succession of Operators” Kirkland Construction is listed as “Kirkland Construction, RLLP”. Please correct this to “Kirkland Construction, R.L.L.P.” and resubmit the page.
6. On page nine of the application under “Permittee” and “Notary for Permittee” Kirkland Construction is listed as “Kirkland Construction, RLLP”. Please correct this to “Kirkland Construction, R.L.L.P.” and resubmit the page.
7. On page 10 of the application, Fremont Paving is written as “Freemont Paving & Redi Mix Inc.” Please correct this to “Freemont Paving and Redi Mix, Inc.” and resubmit the page.

Legal Right of Entry

8. The special warranty deed and Exhibit A provide Freemont Paving and Redi Mix, Inc. legal access to the majority of the site. However, according to the Pueblo County Assessor website, parcel #1118000008 belongs to "Tovar Gonzalez Anthony; Gonzalez Jessica L". Please see the attached Pueblo County Assessor webpage printout that shows the parcel's location. This parcel contains the portion of the access road from highway US 50 to the site. Exhibit A grants access to the NE ¼, S18, T21S, R61W "excepting therefrom a tract of land approximately 2 acres described in a deed from Richard A. Harpman and Emily Harpman to Clarence A. Engelbrecht and Linda Engelbrecht, recorded August 14, 1987 in book 1620 at Page 28". The land mentioned in Exhibit A has since been sold to "Tovar Gonzalez Anthony". Please update Exhibit A and also submit a legal right of entry agreement for parcel #1118000008 granting access this portion of the private access road.

Structure Agreement

9. The only water line and well easement that has a structure agreement is for that belonging to Gary Fillmore. According to the original permit there were well and pipeline easements for Orchard Park, Mary Williams, and Scott Cotton. Are these easements still in place? If not, please clarify to the Division that Gary Fillmore is the only easement holder on the property, otherwise, please provide structure agreements for Orchard Park, Mary Williams, and Scott Cotton.
10. The map provided on the page following the structure agreements showing the location of the powerlines highlights an area with a well and 'permanent grow facility'. If the owner of these structures is not Freemont Paving and Redi Mix, Inc., please provide structure agreements for these features.
11. Parcel #1118000008 belonging to "Tovar Gonzalez Anthony; Gonzalez Jessica L" is within 200 feet of the permit boundary. Please provide a structure agreement for the buildings in that parcel.

Performance Warranty

12. The performance warranty lists the operation as "2 Rivers" towards the top of the page and in the middle of the page. Please revise these entries to "Two Rivers Pit" and resubmit the document.
13. On the last page of the performance warranty, under "Notarization of Operator's Acknowledgement" Fremont Paving is written as "Freemont Paving & Redi Mix Inc." Please correct this to "Freemont Paving and Redi Mix, Inc.". Also, the signature line asks for the corporation's seal. Please seal this section with the corporation's seal, or if there is no seal write "no seal" and resubmit the

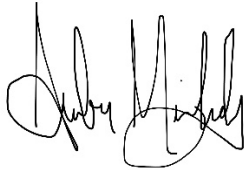
document.

Other

14. As of the date of this letter, DRMS has not received an Affidavit of Authority. The Division must receive signed original forms of a fully executed Affidavit of Authority before this application can be deemed complete.

Please return the required documentation to the Division **before April 17, 2023**. All completed permit documents are required to be submitted for consideration of your Request for Transfer of Mineral Permit and Succession of Operators Application. An incomplete application may be denied after the 60 day submittal request, if requested documents or information are not received. In the event of any delay in your submittal or if you have any questions, please contact the Division.

Sincerely,



Amber Michels
Environmental Protection Specialist

Cc: Sara Stevenson-Benn, Financial Assurance Specialist, DRMS
Jared Ebert, Senior Environmental Protection Specialist, DRMS
James H. Kirkland, Kirkland Construction, R.L.L.P.
Jodi Schreiber, Fremont Paving and Redi Mix, Inc.

Attachments:

Permit document for Two Rivers Pit, M-1998-038 with legal name highlighted
Colorado Secretary of State webpage printout – Fremont Paving and Redi Mix, Inc. PO Box
Pueblo County Assessor webpage printout – Parcel #1118000008
Map showing Easements from the permit file



999

STATE OF COLORADO

DIVISION OF MINERALS AND GEOLOGY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106

DEPARTMENT OF
NATURAL
RESOURCESRoy Romer
GovernorJames S. Lochhead
Executive DirectorMichael B. Long
Division Director

MINING AND RECLAMATION PERMIT
CONSTRUCTION MATERIAL MINING OPERATIONS

Permit Number: M-98-010
Type of Permit: 111

Permit Date: March 17, 1998
(Anniversary date for
annual report and fees
purposes)

THIS PERMIT is issued by the Mined Land Reclamation Board, Department of Natural Resources, State of Colorado.

RECITALS

A. The Permittee, Kirkland Construction, R.L.L.P. desires to conduct a mining operation known as **Two Rivers Pit**, for the purpose of extracting gravel. The Permittee will not mine any secondary commodities at this site.

B. On March 17, 1998 the Mined Land Reclamation Board (the "Board") approved the Permittee's application for this permit, fixed the amount of the financial warranty and directed that this permit be issued upon the filing with the Division of Minerals and Geology (the "Division") of performance warranty and financial warranty (or warranties) in the amount so fixed in form and substance approved by the Division. Said warranties have been filed with the Division.

C. If the Permittee desires to extract materials other than those listed in (A), a separate permit may be required.

D. On March 17, 1998 the Board made the following findings:

1. The application for this permit complies with the requirements of the Colorado Mined Land Reclamation Act for the Extraction of Construction Materials, C.R.S. 34-32.5-101 et seq., as amended, and with all applicable local, state and federal laws;

2. The operation will not adversely affect the stability of any significant, valuable, and permanent man-made structure located within two hundred feet of the Affected Land, except where there is an agreement between the Operator and the persons having an interest in the structure that damage to the structure is to be compensated for by the Permittee; and;

3. The proposed mining and reclamation operations can be carried out in conformance with the requirements of the Act, and the Construction Material Rules and Regulations.

E. The Permittee has made a showing satisfactory to the Board: 1) that it will employ, during and after its underground mining and/or surface operations, procedures designed to minimize environmental disturbance from such operation; 2) that it will provide for reclamation of the Affected Lands appropriate to the subsequent beneficial use of such lands; and 3) that, in the event of the failure of its proposed reclamation plan, it will take whatever measures may be necessary to assure the success of reclamation of the lands affected by such operations in accordance with the Act.

F. A copy of the Permittee's application, as amended and supplemented, has been approved by the Board and is, by this reference, incorporated herein.

G. The issuance of this permit does not relieve you from having to comply with all applicable Federal, State and County statutes, including State water law.

GRANTS, CONDITIONS AND AGREEMENTS

The Board, in reliance upon the representations and promises made in the permit application, as amended and supplemented, and the performance warranty, hereby issues a life of the mine permit to the Permittee, to engage in the operations described in the application on certain lands lying in the County of Pueblo, State of Colorado. These lands are described in the permit application, as amended and supplemented, and are referred to herein as the "Affected Lands".

This permit is issued subject to the following conditions and agreements:

1) The Permittee will be bound by all applicable requirements of the Act, and all applicable rules and regulations of the Board, as amended from time to time, the terms of the permit application, the terms of the performance warranty, and the terms of the financial warranty filed with the Division.

2) The Permittee will file with the Division its annual report and fees on each anniversary date of this permit.

3) If analyses of the mining and reclamation operation and the data collected through monitoring and experimentation by the Permittee or monitoring by the Division indicate that the operation will not be able to comply with the requirements of the Act and applicable rules and regulations of the Board, the Permittee hereby agrees to exercise its best efforts, after consulting with the Division, to modify the plans to correct such deficiencies in the future. Such modifications may require technical revisions or amendments to the permit.

4) The Board, or its authorized representative may enter upon the lands of the permitted operation at all reasonable times for the purpose of inspection to determine whether the provisions of the Act, Rules and Regulations, and permit have been complied with pursuant to C.R.S. 34-32.5-121.

5) This permit may be revoked or suspended for non-compliance with the Act or applicable rules or regulations promulgated by the Board, the permit, or by violation of a Board Order.

6) a) Pursuant to 34-32.5-118(5) of the Act, the Board has a right of entry to reclaim the lands affected by the operation, or to respond to an emergency as defined by C.R.S. 34-32.5-121(2)

b) The Board will enter the lands to perform reclamation only if the Board has determined:

i. that reclamation required by law to have been performed upon such lands has not been performed, and

ii. that financial warranty forfeiture proceedings described in the Act or similar provisions of subsequent laws, if any, have been initiated.

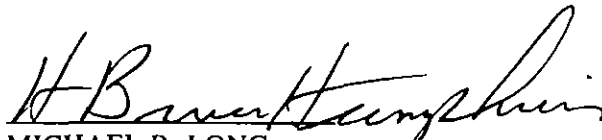
c) The Division, acting for the Board, will enter lands to respond to an emergency only where the Division determines that any of the conditions of Construction Material Rule 8.4.2. exist.

7) The additional conditions set forth in the attached rider, if any, are incorporated herein by reference.

/____/ a) Rider is attached.

/ XX / b) No rider is attached.

MINED LAND RECLAMATION BOARD
COLORADO DEPARTMENT OF NATURAL RESOURCES


MICHAEL B. LONG
Division Director



For this Record...

- Filing history and documents
- File a form
- Subscribe to email notification
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- Unsubscribe from text notification

Business Home
Business Information
Business Search

FAQs, Glossary and
Information

Summary

Details			
Trade name	Fremont Paving and Redi Mix, Inc.		
Registrant name	All-Rite Paving & Redi Mix, Inc.		
Status	Effective	Formation Date	12/14/2021
ID number	20218167645	Form	DBA
Renewal month	October	Expiration Date	01/01/2024
Primary residence or usual place of business street address	839 Mackenzie Ave., Canon City, CO 81212, United States		
Primary residence or usual place of business mailing address	p.o. box 566, canon city, CO 81215, United States		

- [Filing history and documents](#)
- [Get a certificate of fact of trade name \(PDF\)](#)
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Back

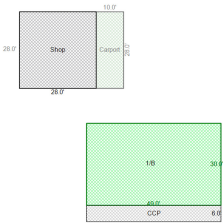


Pueblo County Assessor's Real Property Search

1118000008

57987 E US HWY 50, BOONE, CO
81025-9710

Total Value
\$197,353



OVERVIEW

KEY INFORMATION

Owner	TOVAR GONZALEZ ANTHONY; GONZALEZ JESSICA L		
Mailing Address	57987 E US HIGHWAY 50 81025-9710 BOONE CO		
Legal	BEG PT WH NELY LINE NEW HWY 50 INTERSECTS E LINE NE 1/4 TH N ALG SD LINE 555 FT TH W AT RT ANG 428 FT M/L TO PT IN SD NELY LINE HWY 50 TH SELY ALG SD LINE SD HWY TO PT OF BEG IN SE 1/4 NE 1/4 18-21-61 2.73A		
Neighborhood	204 - SE PART OF COUNTY	Class	-
Township	21	Range	61
Section	18	Subdivision	204 SE PART OF COUNTY
Tax District	70US		
Analysis Area	0.00		

VALUE INFORMATION

	VALUE	ASSESSED
IMP	\$184,834	\$12,850
LAND	\$12,519	\$870

IMPROVEMENTS

1470 - SINGLE-FAMILY RESIDENCE - RANCH 1300-1599 SF

Style	Ranch 1 Story	Bedrooms	3
Full Baths	1	Half Baths	0
Year Built	1968	Year Remodeled	N/A
Total Size	1470		

DETAIL TYPE	DETAIL	COUNT
Basement	Total Basement Area	1,470.00
Built-In Appliances	Automatic Appliance Allowance	0.00
Exterior Walls	Frame Stucco	0.00
Floor Cover	Automatic Floor Cover Allowance	0.00
Foundation	Raised Subfloor	1,470.00
Garage/Carport	Carport, Flat Roof	280.00
Heating/Cooling	Forced Air Furnace	0.00
Plumbing Fixtures	Plumbing Fixtures	8.00
Porches, Decks, Breezeways	Slab Porch with Roof	294.00
Roofing	Composition Shingle	0.00

LAND DETAILS

#	AREA	DEPTH	UNIT	ACREAGE	SQUARE FOOTAGE	CLASS	VALUE
1	0	0.00	1.00	2.73	118919.00	Residential	\$12,519

TRANSFER HISTORY

NAMES ARE NOT NECESSARILY LISTED AS TITLE IS HELD, SOME MAY BE SHORTENED OR ABBREVIATED.
PLEASE CONTACT THE ASSESSOR'S OFFICE AT (719)583-6603 FOR CORRECT OWNERSHIP.

SALE DATE	AMT	RECEPTION	TYPE	GRANTEES	GRANTORS	BOOK / PAGE
02/16/2021	\$0	2213124	QUIT CLAIM DEED - JT(QCDJT)	TOVAR GONZALEZ ANTHONY	GONZALES ANTHONY TOVAR	-
05/08/2020	\$160,000	2177653	WARRANTY DEED(WD)	GONZALES ANTHONY TOVAR	ENGELBRECHT LINDA	-
02/29/2016	\$600,000	2030310	SPECIAL WARRANTY DEED(SWD)	ALWAYS GREEN CBD LLC	57935 E US HIGHWAY 50 LLC	-
04/21/2010	\$0	1839136	DEATH CERTIFICATE(DC)	ENGELBRECHT (CLARENCE A)	ENGELBRECHT CLARENCE A/LINDA	-
08/14/1967	\$0	350991	WARRANTY DEED(WD)	ENGELBRECHT CLARENCE A/LINDA	ENGELBRECHT CLARENCE A/LINDA	-

CENSUS/DEMOGRAPHICS

Total Population:

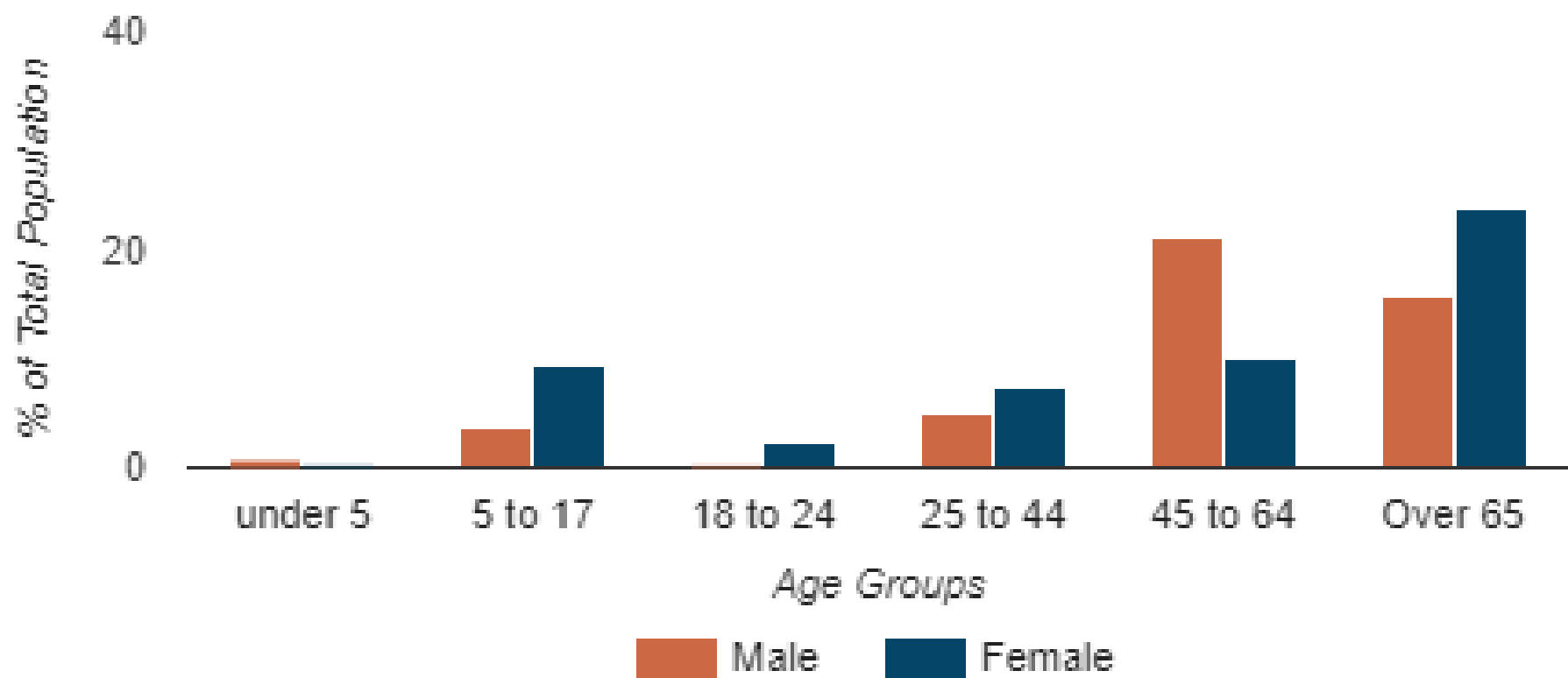
726

MALE

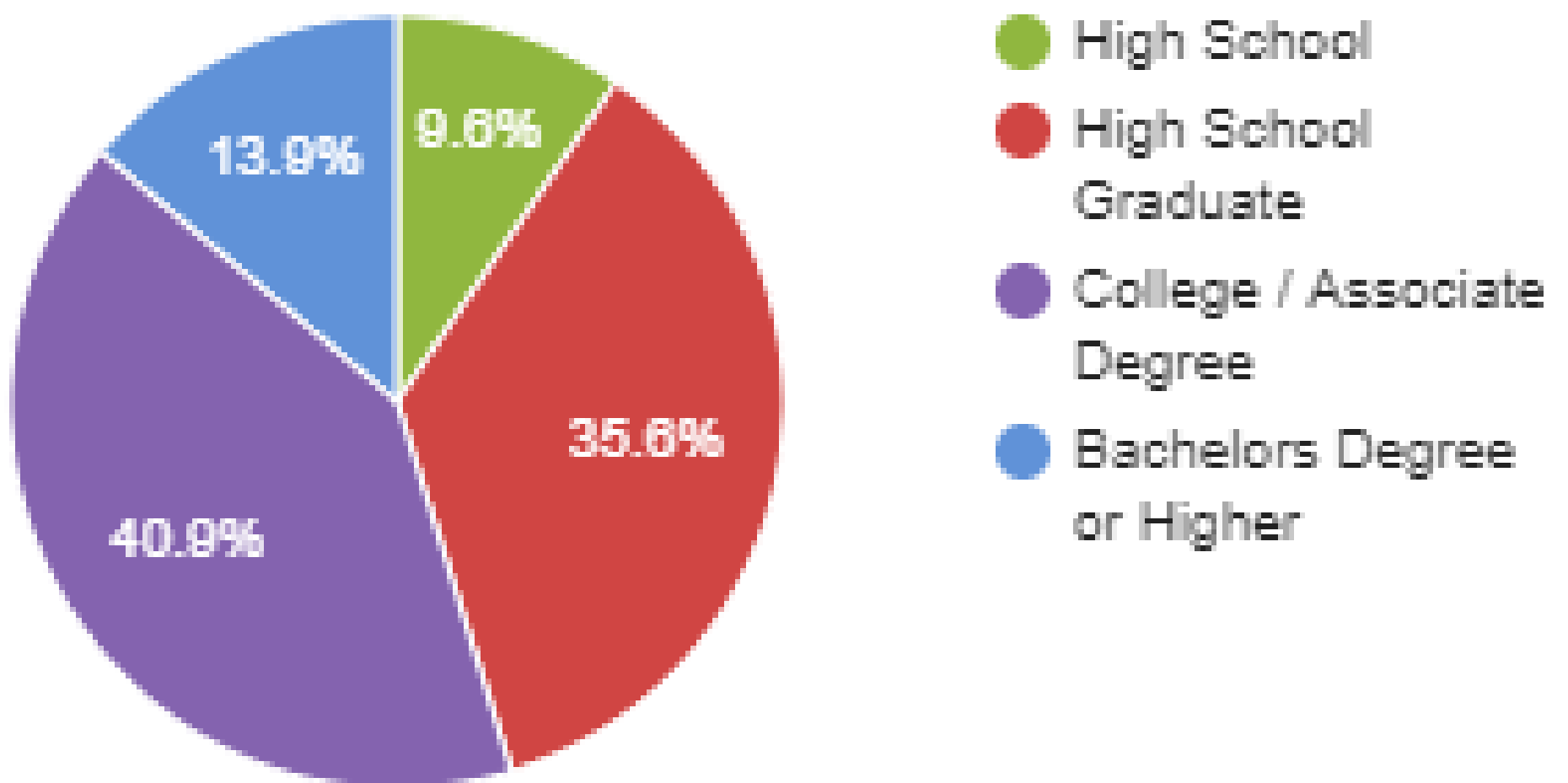
338

FEMALE

388

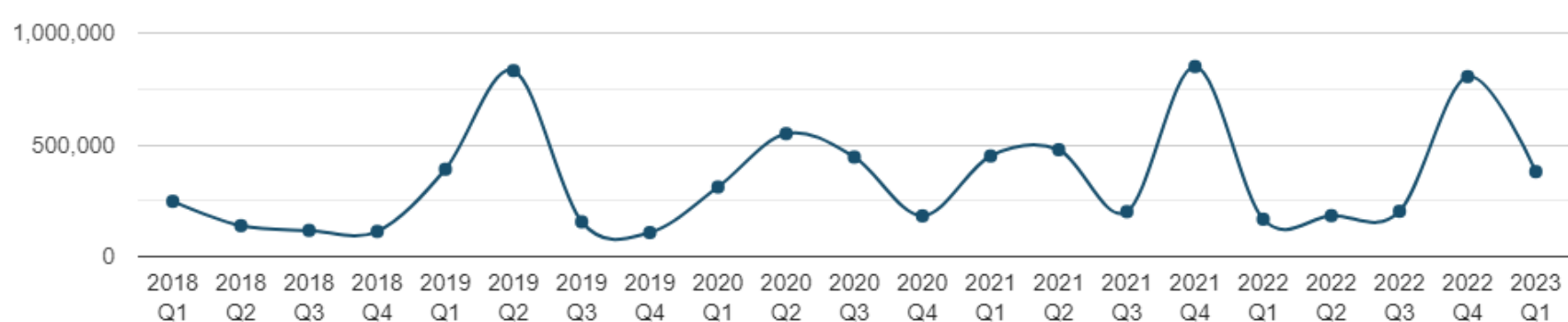


EDUCATIONAL ATTAINMENT



RECENT AREA SALES

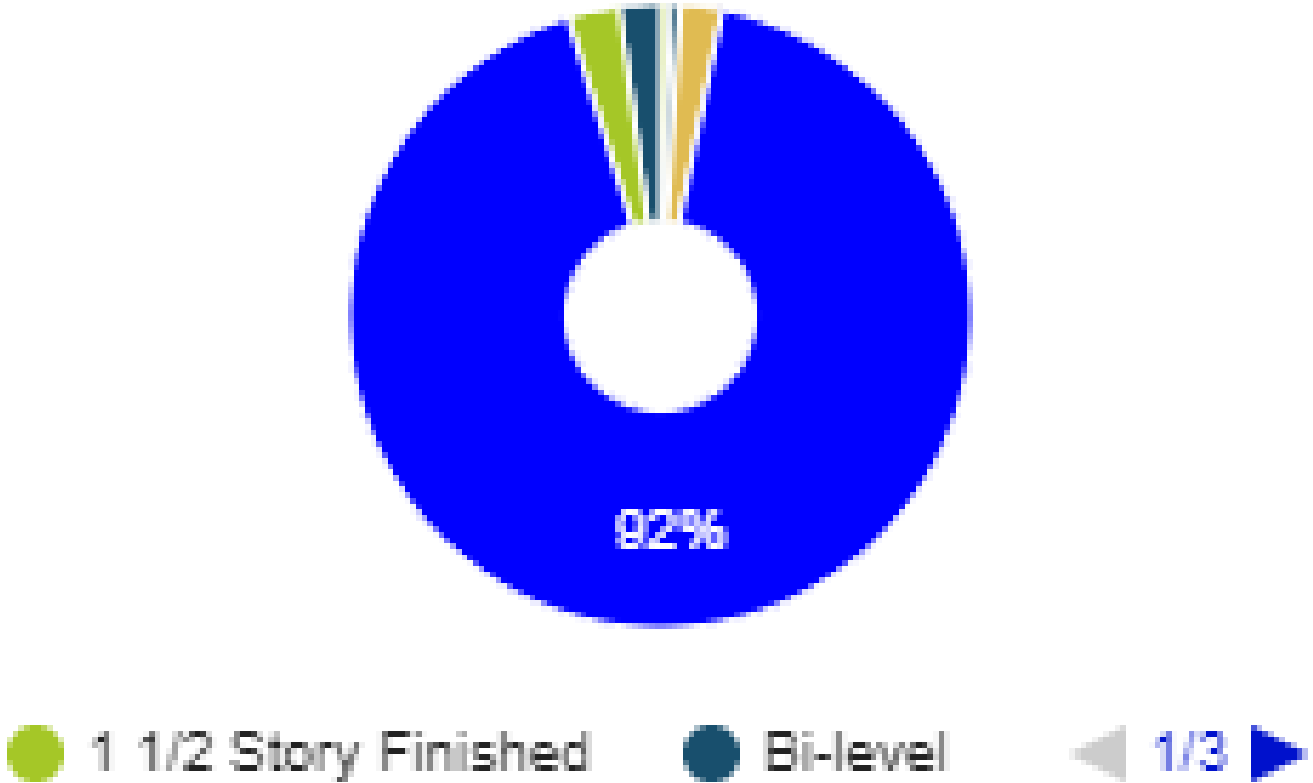
MEDIAN RESIDENTIAL HOUSE PRICE



RESIDENTIAL ACTUAL VALUES

Low
\$1
Median
\$105,524
High
\$60,932,368

RESIDENTIAL SALES BY TYPE



SALES BY RESIDENTIAL AREA

Biggest Sale
\$3,000,000
Average Home Price
\$463,781
Lowest Sale
\$500

NEARBY SALES

<div>212 SIGLER AVE, BOONE, CO 81025</div> <div>Sale Price \$45,000</div> <div>Sale Date 02-06-2023</div> <div>Distance 10,077.15ft</div>	<div>61776 HUCKLEBERRY RD, BOONE, CO 81025</div> <div>Sale Price \$40,000</div> <div>Sale Date 02-03-2023</div> <div>Distance 27,243.01ft</div>	<div>1717 SAN JUAN ST, PUEBLO, CO 81006</div> <div>Sale Price \$120,000</div> <div>Sale Date 01-26-2023</div> <div>Distance 119,417.54ft</div>	<div>5182 40TH LN, AVONDALE, CO 81022-9713</div> <div>Sale Price \$600,000</div> <div>Sale Date 01-20-2023</div> <div>Distance 73,092.03ft</div>
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DOCUMENTS

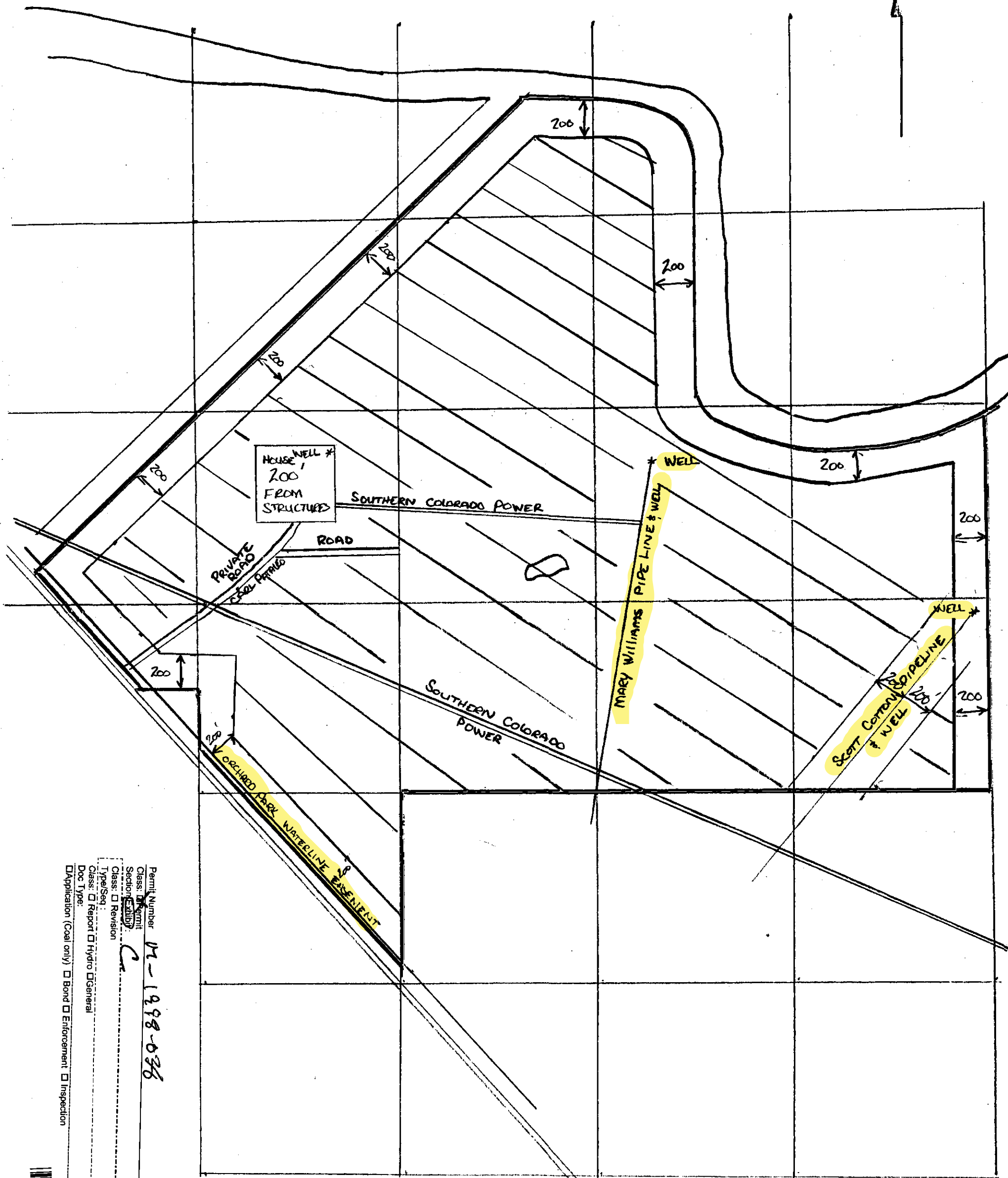
Download Notice of Valuation: -- Choose a file -- ▼

Download Tax Notice: -- Choose a file -- ▼

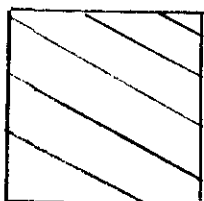
RECEIVED
APR 22 1998
Division of Minerals & Geology

EASEMENTS

N



Permit Number 12-1298-036
 Class: ~~Permit~~
 Section: ~~Exhibit~~ C
 Class: ☐ Revision
 Type/Seq : _____
 Class: ☐ Report ☐ Hydro ☐ General
 Doc Type: _____
☐ Application (Coal only) ☐ Bond ☐ Enforcement ☐ Inspection



INDICATES
PERMIT AREA



009185