



Ingleside Quarry (M-1980-037HR) SO-4 Response to Incomplete Application

1 message

Kurt THURMANN <kurt.thurmann@holcim.com>

Thu, Apr 13, 2023 at 8:11 AM

To: "patrick.lennberg@state.co.us" <patrick.lennberg@state.co.us>

Cc: Jessica WALKER <j.walker@holcim.com>, Wyatt WEBSTER <wyatt.webster@holcim.com>, Neil WHITMER <neil.whitmer@holcim.com>

Hi Patrick,

Here is what we have in response to the incomplete application notice for the Ingleside Quarry Transfer and SO application. The numbers below correspond to the sections listed in your notice letter:

1. See attached Secretary's Certificate giving Michael LeMonds the authority to sign on behalf of Holcim-WCR, Inc.
2. Performance Warranty signed by César Silerio is attached. The original copy was sent to the Division on 3/28 to the attention of Sara Stevenson-Benn.
3. Completed Financial Warranty Form is attached along with the Affidavit of Authority. The original copies were sent to the Division on 3/28.
4. See attached List, now showing permits only held by Holcim - WCR, Inc.
5. Attached is a structure agreement for the structures within 200 feet of the affected area boundary to the east.
6. Ingleside Quarry is located in parcels owned by [11585 North US Highway 287](#), LLC. Pioneer Sand Company, Inc. ("Pioneer") operated Ingleside under the terms of a lease dated January 1, 2015. On January 20, 2023, Holcim-WCR, Inc. ("Holcim") acquired all right, title, and interest in the Ingleside Quarry from Pioneer. In anticipation of the acquisition, Holcim and Pioneer obtained consent to the assignment of the lease from [11585 North US Highway 287](#), LLC. Attached for your records and to prove legal right of entry is a copy of the November 18, 2022 consent to assignment of the lease to Holcim.

Thank you and please let us know if you have any questions.

Kurt Thurmann | Environmental and Land Manager
Holcim Group | Holcim - WCR, Inc.
C: (720) 329-8851



**BUILDING PROGRESS FOR
PEOPLE AND THE PLANET.**

6 attachments



Secretary's Certificate - Michael LeMonds.pdf
50K



M-1980-037 Performance Warranty.pdf
142K



M-1980-037 Holcim Financial Warranty Bond.pdf
545K



DRMS Permit List for SO_Ingleside.pdf
46K



Structure Agreement Packet (Delores J Barger).pdf
293K



Consent to Assignment Letter_ Ingleside.pdf

84K

Secretary's Certificate

I, Shelbee L. Hundley, Corporate Secretary of Holcim – WCR, Inc., a Colorado corporation (the “Company”), certify that Michael LeMonds, as the current Vice President, ESG and Chief Sustainability Officer, is duly authorized to execute contracts, agreements and instruments relating to the Company’s acquisition of the sand and aggregate operations of Pioneer Landscape Centers.

IN WITNESS WHEREOF, I have executed this Secretary’s Certificate as of the 9th day of February, 2023.


Shelbee L. Hundley
Corporate Secretary

State of Illinois)

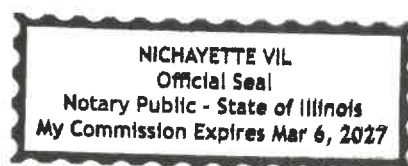
)ss:

County of Cook)

The undersigned, a Notary Public in and for the above State and County, hereby certifies that on the 13th day of February, 2023, before me personally appeared Holcim (US) Inc. by Shelbee L. Hundley, its U.S General Counsel, ACM, who is known to me as the person described herein and who executed the foregoing instrument on behalf of said corporation.

In Witness Whereof, I have hereunto set my hand and affixed my official seal on the day and year last aforesaid.

[SEAL]


Notary Public

Daniels Sand Pit #2	M1973007SG
Morrison Quarry	M1973021
Lyons Quarry	M1977141
Brighton Mine	M1977436
Longmont Distel Operations	M1989029
Platte Valley Operation	M1989120
83rd Joint Venture	M1992069
Longmont Operation	M1994027
Dahlia North Resources Pit	M1994093
Deer Creek Quarry	M1997014
Cooley Reservoir & Fulton Wildlife Area	M1999034
Riverview Resouce	M1999098
Miliken Resource	M2000087
Fredstrom Resource	M2001016
Tucson South Resource	M2004044
Wattenberg Lakes	M2004051
Irwin/Thomas Mine	M2016054
Baurer Pit	M2020058
Wattenberg Disturbance	M2022021

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Delores J. Bauger
11585 N Highway 287
La Porte, CO 80535



9590 9402 7847 2234 8348 95

2. Article Number (Transfer from service label)

7020 1810 0000 4174 1190

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

☐ Yes ☐ No

3. Service Type

- 3. Service Type**
- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

Domestic Return Receipt

April 10, 2022

USPS Certified Mail No. 70201810000041741190

ATTN: Delores J. Barger
11585 N Highway 287
La Porte, CO 80535

RE: Structure Owner Agreement

Dear Structure Owner/ Representative:

In January of 2023, Holcim – WCR, Inc. (“Holcim”) acquired Pioneer Sand Company, Inc. Holcim has taken over operations of the Ingleside Quarry and has since submitted an application for the transfer of permit and succession of operator for DRMS Permit No. M-1980-037HR (Ingleside Quarry).

As the owner of multiple structures within 200-feet of the Ingleside Quarry affected area boundary, Holcim is providing you with this structure agreement. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that structure agreements be sent out where the affected lands of the mine permit are within two-hundred feet of any significant, valuable and permanent man-made structures.

The following structures are within 200-feet of the affected area:

1. The Shooting Range Building on Parcel 0924000059
2. The Garage/Shop Building on Parcel 0924000044

Holcim does not anticipate adverse effects on the structures listed above. Please read the attached structure agreement and sign and return the agreement using the self-addressed stamped envelope. Should you require any additional information, please contact Neil Whitmer at neil.whitmer@holcim.com.

Sincerely,

Holcim – WCR, Inc.



Neil Whitmer
Director Land & Environment

Attachments: Structure Agreement, Exhibit A

CERTIFICATION

The Applicant, Holcim - WCR, Inc. (print applicant/company name),
by Kevin Peart (print representative's name), as VP and General Manager WCR (print
representative's title), does hereby certify that Delores J. Barger (structure owner) shall
be compensated for any damage from the proposed mining operation to the above listed structure(s)
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation
Permit Application for Ingleside Quarry (operation name),
File Number M- 1980 - 037HR.

*This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.
Any alteration or modification to this form shall result in voiding this form.*

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

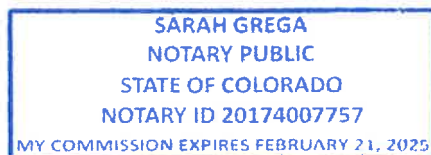
Applicant [Signature] Representative Name KEVIN PEART

Date 4/11/23 Title Senior Vice President / GM

STATE OF Colorado)
) ss.
COUNTY OF Jefferson)

The foregoing was acknowledged before me this 11 day of April, 2023, by
Kevin Peart as Senior Vice President / GM of Holcim - WCR, Inc.

[Signature] My Commission Expires: 2/21/25
Notary Public



NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner _____ Name _____

Date _____ Title _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by
_____ as _____ of _____.

Notary Public My Commission Expires: _____

EXHIBIT A
LEGAL DESCRIPTION

A part of the East Half of Section 24, Township 9 North, Range 70 West of the Sixth Principal Meridian, County of Larimer, State of Colorado, being more particularly described as follows, and considering the North line of said East Half to bear S89°55'44"W with all bearings herein relative thereto:

Commencing at the North Quarter Corner of said Section 24;

Thence S01°35'27"E a distance of 1330.48 feet to the Center-North Sixteenth Corner;

Thence N89°39'26"E a distance of 100.68 feet to the Point of Beginning;

Thence N3°11'52"W a distance of 376.23 feet;

Thence N90°00'00"E a distance of 1100.74 feet;

Thence S6°32'06"E a distance of 16.24 feet;

Thence S12°20'23"W a distance of 126.09 feet;

Thence S5°33'44"W a distance of 224.28 feet;

Thence S1°00'13"E a distance of 80.57 feet;

Thence S1°20'17"E a distance of 693.50 feet;

Thence S2°37'49"E a distance of 374.57 feet;

Thence S1°11'14"E a distance of 218.04 feet;

Thence S4°36'07"E a distance of 214.00 feet;

Thence S7°18'50"E a distance of 344.60 feet;

Thence S38°38'50"E a distance of 27.92 feet;

Thence S1°15'50"E a distance of 161.09 feet;

Thence S10°47'46"W a distance of 171.61 feet;

Thence S66°44'45"W a distance of 586.45 feet;

Thence S58°10'13"W a distance of 300.61 feet;

Thence N90°00'00"W a distance of 27.25 feet;

Thence N14°20'14"W a distance of 765.36 feet;

Thence N6°17'34"W a distance of 580.53 feet;

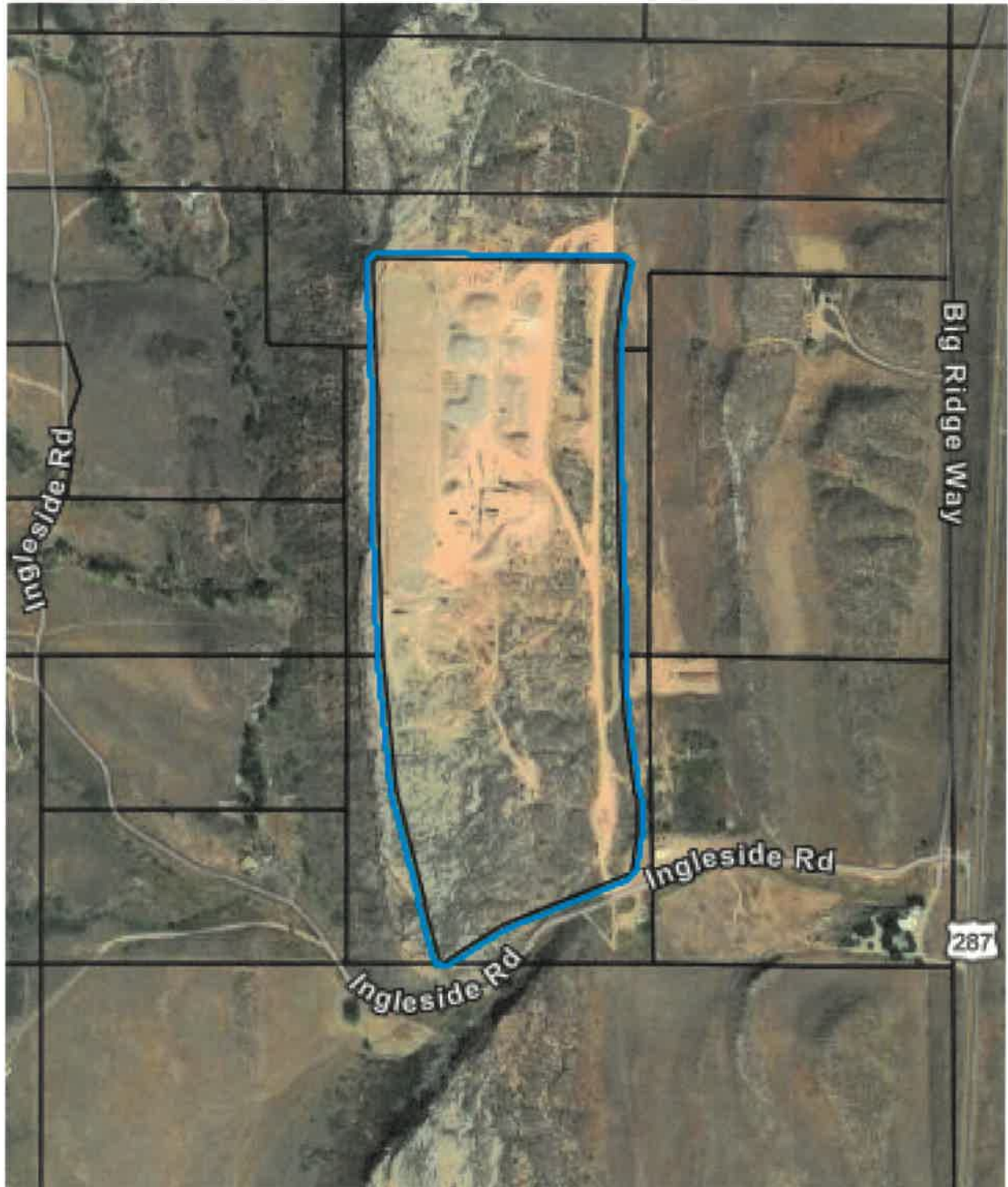
Thence N2°25'43"W a distance of 663.80 feet;

Thence N0°56'25"W a distance of 454.84 feet;

Thence N3°11'52"W a distance of 213.34 feet to the Point of Beginning,

County of Larimer,
State of Colorado.

M-1980-037HR Ingleside Quarry



PIONEER SAND COMPANY, LLC
630 Plaza Drive, Suite 150, Highlands Ranch, CO, 80129

November 18, 2022

CONFIDENTIAL

Via Federal Express and Email

11585 North U.S. Highway 287, L.L.C.
c/o Gary E. Schnurr
9701 East Happy Valley Road, #21
Scottsdale, Arizona 85255-2396
Email: MrSandstone@msn.com

Re: Request for Consent under Sand & Gravel Lease Agreement

Dear Sir or Madam:

As you know, 11585 North U.S. Highway 287, L.L.C., as lessor, and Pioneer Sand Company, LLC (f/k/a Pioneer Sand Company, Inc.) ("Pioneer Lessee"), as lessee, are parties to that certain Sand & Gravel Lease Agreement dated January 1, 2015 (as amended and in effect as of the date hereof, and including all supplements, addendums, extensions, appendices, schedules, and attachments thereto, collectively, the "Lease"). Capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Lease.

Pioneer and its affiliates (including Pioneer Lessee and the Company (defined below), collectively, "Pioneer") are pleased to advise you that Pioneer has entered into an agreement with Holcim Participations (US) Inc. ("HPUS"), an affiliate of Holcim Ltd. ("Holcim"), pursuant to which all of the other entities comprising Pioneer will assign and transfer to JLL Pioneer Inc. (the "Company") all of the assets they own or hold relating to Pioneer's quarry business, including the Lease, and following such assignments and transfers, HPUS will acquire ownership of the Company, resulting in a change of control of the Company. The foregoing transactions, including the assignment of the Lease by Pioneer Lessee to the Company (the "Pioneer Assignment") and the change of control of the Company are referred to herein as the "Sale Transactions".

Promptly following the closing of the Sale Transactions, Holcim will complete an internal reorganization pursuant to which the Lease will be assigned or otherwise conveyed by the Company to Holcim-WCR, Inc. an indirect wholly owned subsidiary of Holcim (the "Holcim Contribution," and such subsidiary, the "Holcim Subsidiary").

The Sale Transactions (including the Pioneer Assignment) and the Holcim Contribution are expected to occur during January 2023.

Pursuant to the Lease, Pioneer may be required to obtain your consent in connection with the Sale Transactions and the Holcim Contribution. Accordingly, Pioneer hereby requests your consent to the Sale Transactions and the Holcim Contribution for all purposes under the Lease.

Very truly yours,

PIONEER SAND COMPANY, LLC

By: 

Name: Kevin Guzior

Title: President

Enclosure:

Estoppel Certificate

cc:

John C. Norling, Esq.
Jennings Strouss & Salmon, P.L.C.
One East Washington Street, #1900
Phoenix, Arizona 85004-2554
Email: JNorling@jsslaw.com