



August 23, 2023

Timothy A. Cazier, P.E.  
Colorado Division of Reclamation, Mining and Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203

**Re: Canon Dolomite Quarry, Permit No. M-1977-376, Incomplete Application for Transfer of Permit and Succession of Operators (SO-5)**

Dear Mr. Cazier,

In response to your July 7, 2023 "Incomplete Application" memorandum, the Division of Reclamation, Mining and Safety identified the need for additional documents to demonstrate the legal right to enter the Canon Dolomite Quarry property to perform mining and reclamation activities.

To demonstrate the right to enter in accordance with Section 3.4.7 of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials, Holcim-WCR, Inc. has included the following documentation:

- The Special Warranty Deed, dated December 19, 2019, demonstrating ownership of the property by Canon Dolomite Quarry, LLC;
- Two Membership Interest Power documents, dated March 31, 2023, selling 100% of the membership interests of the Canon Dolomite Quarry, LLC to Holcim-ACM Management, Inc.; and
- A figure showing that Holcim-WCR, Inc. is a wholly owned subsidiary of Holcim-ACM Management, Inc.

With these files, our intention is to provide DRMS with the requisite documentation to show that Holcim-ACM, Inc. is the surface owner of the Canon Dolomite Quarry property approved in Permit M-1977-376 and as the owner, has legal right to enter to perform mining and reclamation activities. If you have any questions, please contact me at [kurt.thurmann@holcim.com](mailto:kurt.thurmann@holcim.com).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kurt Thurmann', with a long horizontal flourish extending to the right.

Kurt Thurmann  
Environmental and Land Manager  
Holcim-WCR, Inc.

Attachments

### **Membership Interest Power**

FOR VALUE RECEIVED, DANIEL E. TEZAK, hereby sells, assigns and transfers unto HOLCIM-ACM MANAGEMENT, INC., a Delaware corporation, Fifty percent (50%) of the membership interests of CANON DOLOMITE QUARRY, LLC, a Colorado limited liability company (the “**Company**”), standing in his name on the books of the Company and constituting all of his interests in the Company, and does hereby irrevocably constitute and appoint any officer of HOLCIM-ACM MANAGEMENT, INC. as his attorney-in-fact to transfer the said membership interests on the books of the Company maintained for that purpose, with full power of substitution in the premises.

Dated: March 31, 2023

**DANIEL E. TEZAK**

By:   
Daniel E. Tezak

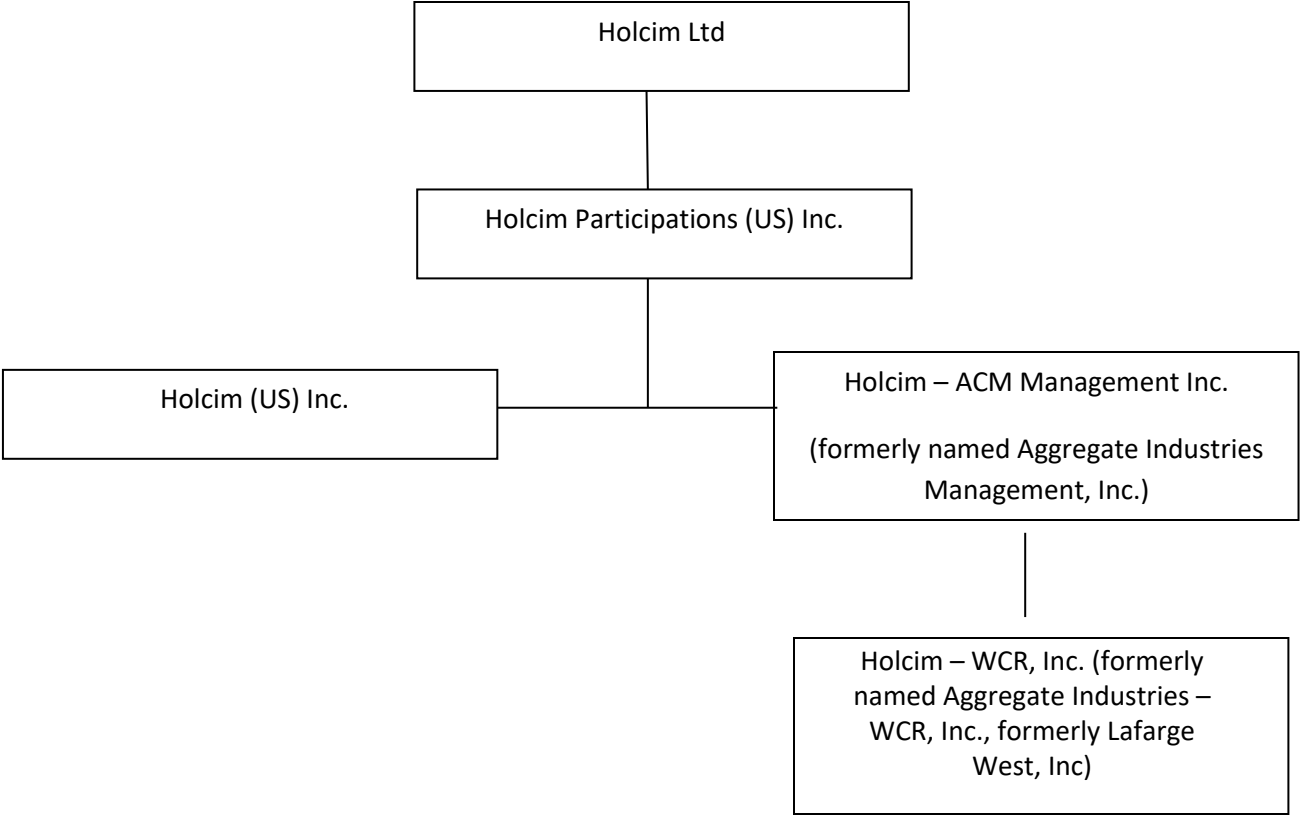
### **Membership Interest Power**

FOR VALUE RECEIVED, RHONDA LEWIS, hereby sells, assigns and transfers unto HOLCIM-ACM MANAGEMENT, INC., a Delaware corporation, Fifty percent (50%) of the membership interests of CANON DOLOMITE QUARRY, LLC, a Colorado limited liability company (the “**Company**”), standing in her name on the books of the Company and constituting all of her interests in the Company, and does hereby irrevocably constitute and appoint any officer of HOLCIM-ACM MANAGEMENT, INC. as her attorney-in-fact to transfer the said membership interests on the books of the Company maintained for that purpose, with full power of substitution in the premises.

Dated: March 31, 2023

**RHONDA LEWIS**

By:   
Rhonda Lewis



**SPECIAL WARRANTY DEED****THIS DEED**, Made this 19th day of December, 2019 between**Castle Concrete Co., a Colorado Corporation**

of the County of El Paso and State of COLORADO, grantor(s), and

**Canon Dolomite Quarry, LLC, A Colorado Limited Liability Company**

whose legal address is 205 Tunnel Drive Canon City, CO 81212

of the County of Fremont, State of Colorado, grantee(s):

**WITNESS**, That the grantor(s), for and in consideration of the sum of One Million Five Hundred Thousand Dollars and No/100's (\$1,500,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee(s), his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Fremont, State of COLORADO, described as follows:

See Exhibit A attached hereto and made a part hereof.

Subject to the matters described in Exhibit B attached hereto

Doc Fee  
\$ 150.00

also known by street and number as 50814 Colorado State Highway 50, Canon City, CO 81212

**TOGETHER** with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.

**TO HAVE AND TO HOLD** the said premises above bargained and described, with the appurtenances, unto the grantee(s), his heirs, and assigns forever. The grantor(s), for himself, his heirs and personal representatives or successors, does covenant and agree that he shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantee(s), his heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s).

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

**IN WITNESS WHEREOF**, the grantor(s) has executed this deed on the date set forth above.

**SELLER:****Castle Concrete Co., a Colorado Corporation**by Jerald Schnabel, President

STATE OF COLORADO  
COUNTY OF Fremont

} ss:

The foregoing instrument was acknowledged before me this 19th day of December, 2019 by Castle Concrete Co., a Colorado Corporation by Jerald Schnabel, President

Witness my hand and official seal.

My Commission expires: 4-19-21

Annette Gray  
Notary Public

ANNETTE GRAY  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19974005247  
MY COMMISSION EXPIRES APRIL 19, 2021

## Exhibit A

## Parcel A:

Township 18 South, Range 70 West of the 6<sup>th</sup> P.M.  
 Dolomite #1 Mining Claim over NW1/4NW1/4SE1/4 and the NE1/4NE1/4SW1/4 of Section 30;  
 Dolomite #3 Mining Claim over the SW1/4SE1/4NW1/4 and the NW1/4NE1/4SW1/4 of Section 30;  
 Dolomite #4 Mining Claim over the N1/2SE1/4NW1/4 of Section 30;  
 Dolomite #5 Mining Claim over the S1/2NE1/4NW1/4 of Section 30;  
 Dolomite #6 Mining Claim in the SW1/4SE1/4SW1/4 Section 19 and the NW1/4NE1/4NW1/4 of Section 30;  
 Dolomite #7 Mining Claim in the S1/2SW1/4SW1/4 of Section 19;  
 Dolomite #8 Mining Claim over the N1/2NW1/4NW1/4 of Section 30;  
 Dolomite #9 Mining Claim over the S1/2NW1/4NW1/4 of Section 30;  
 Dolomite #10 Mining Claim over the N1/2SW1/4NW1/4 of Section 30;  
 Dolomite #11 Mining Claim over the S1/2SW1/4NW1/4 of Section 30;  
 SE1/4SE1/4SW1/4 of Section 19;

## Parcel B:

Township 18 South, Range 70 West of the 6<sup>th</sup> P.M.  
 Canon Placer #3 Mining Claim over Lot 7 in the N1/2SW1/4SW1/4 of Section 19;  
 Canon Placer #4 Mining Claim over Lot 6 in the S1/2NW1/4SW1/4 of Section 19;  
 Canon Placer #5 Mining Claim in the N1/2NW1/4SW1/4 of Section 19;  
 Canon Placer #6 Mining Claim in the N1/2SE1/4SW1/4 of Section 19;  
 Dolomite #2 Mining Claim over the SW1/4SW1/4NE1/4 and SE1/4SE1/4NW1/4 of Section 30;  
 SW1/4SE1/4 and SE1/4SE1/4SW1/4 of Section 19  
 NW1/4NE1/4, N1/2SW1/4NE1/4, SE1/4SW1/4NE1/4, NE1/4NE1/4NW1/4 and NE1/4NW1/4SE1/4 of Section 30;  
 Surface only of a 30 foot strip for road right of way over South Half of the Southwest quarter of Section 29 described as follows:  
 Beginning at a point whence the Southwest corner of said Section 20 bears S 34°28' W, 1080.7 feet  
 Thence N 37°36' W, 773 feet to a point  
 Thence N 25° 26' W, 227 feet to a point;  
 Thence N 72°52' W, 43.5 feet, more or less, to an intersection with the West boundary line  
 of said Section 29;  
 South part of the NE1/4SE1/4 of Section 30 described as follows:  
 Beginning at the Southeast corner of the NE1/4SE1/4 of Section 30;  
 Thence North along the East boundary of said Section 417.5 feet;  
 thence N 72°52' W, 1381.3 feet;  
 Thence S 824.4 feet to the Northwest corner of the SE1/4 SE1/4 of said Section;  
 Thence East 1320 feet, more or less, to the place of beginning.

## Parcel C:

Township 18 South, Range 70 West of the 6<sup>th</sup> P.M.  
 Canon Placer Claim #1 over the S1/2NE1/4SW1/4 of Section 30

Together with Non-exclusive Easement from Adam Aaron Atwood and Ramona L. Atwood recorded February 15, 2002,  
 Reception No. 744510.

## Parcel D:

Township 18 South, Range 70 West of the 6<sup>th</sup> P.M.  
 That part of the SW1/4 SW1/4 lying North of the D&RGW Railroad in Section 31;  
 The West 660 feet of the SE1/4 SW1/4 in Section 31 which lies North of the D&RGW Railroad, less a parcel conveyed to City of  
 Canon City for pipeline described as follows:  
 Commencing at the South one-quarter corner of said Section 31;  
 Thence N 70°04' W, a distance of 1059.1 feet to the point of beginning; said point also being on the existing 30 inch  
 wood-stove water pipe supplying Canon City, Colorado, at the East portal of the 3<sup>rd</sup> tunnel from the East;  
 Thence N 79°57' E a distance of 345 feet, more or less, to a point on the East boundary line of the said SW1/4 SE1/4,  
 said point being 421.28 feet due North and 655.94 feet due West of the South one-quarter corner of said Section.

## Parcel E:

Township 19 South, Range 70 West of the 6<sup>th</sup> P.M.  
 That part of the NW1/4NW1/4 lying North of the D&RGW Railroad in Section 6

County of Fremont  
 State of Colorado

## Exhibit B

The right of proprietor of a vein or lode to extract or remove his ore should the same be found to penetrate or intersect the premises thereby granted as reserved in United States Patent recorded June 26, 1911 in Book 54, Page 352 and Patent recorded August 30, 1875 in Book F, Page 384.

Right of way for ditches and canals constructed by the authority of the United States as reserved in United States patent recorded June 26, 1911 in Book 54, Page 352 and United States Patent recorded August 15, 1950 in Book 321, Page 407.

All uranium, thorium or any other material which is or may be determined to peculiarly essential to the production of fissionable material as more fully described in United States Patent recorded August 15, 1950 in Book 321, Page 407.

Conditions and stipulations as shown in United State Patents recorded June 27, 1961 in Book 425, Page 311 and Page 313 and Patent recorded March 14, 1923 in Book 216, Page 360.

Right of way to the City of Canon City necessary to construct, maintain and operate a 30 inch pipe line along the State Canal and right of way for a road more fully described in document recorded May 3, 1909 in Book 156, Page 53 and right of way for pipeline shown in document recorded September 15, 1949 in Book 318, Page 506.

Right of way granted to The Colorado Electric Power Company in document recorded March 21, 1898 in Book 101, Page 434 and Book 101, Page 437 and to The Arkansas Valley Railway Light & Power Company recorded April 15, 1916 in Book 183, Page 367.

Notwithstanding the Covered Risks as set forth in the policy, the Company does not insure against loss or damage by reason of a lack of a right of access to and from the Land. (Parcel D and Parcel E)

Terms and conditions of Non-Exclusive Easement between Adam Aaron Atwood and Ramona L. Atwood and Castle Concrete Company, a Colorado Corporation recorded February 15, 2002, Reception No. 744510.

Fremont County Conditional Use Permit Number CUP 11-001 recorded March 22, 2012, Reception No. 894567.

Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey,

Job No.: 19064

Dated: December 6, 2019

Prepared by: Kevin M. O'Leary, PLS #28658

Matters shown: The access road is not within the easement across the adjoiner and encroaches into the adjoiner in two places; right of way for overhead electric transmission line; the adjoiner has landscaping improvement encroaching into the subject property; fence line is not on property line (Parcels A, B & C); electric line running along the North side of the railroad encroaches into Parcel D; the easement description (156-53) for Tunnel drive does not match the as-built location of the road; right of way for the historical monument West of the pump station; a guy anchor is within Parcel D at the Northwest corner of the pump station. (Parcels D & E)