



Phillip Courtney
Land Manager

August 7, 2023

Premier Auto Body Repair LLC
312 Baxter Road
Pueblo, CO 81006-9512

By Certified Mail

RE: Request for Structure Agreement – Thunderbird Sand and Gravel

Dear Premier Auto Body Repair:

Martin Marietta owns property known as Thunderbird Sand and Gravel in Pueblo County, Colorado. The property is located on the east side of Baxter Road, north of the Arkansas River approximately one (1) mile south of US Highway 50/State Highway 96. Attached is a vicinity map that shows the location of the property. Martin Marietta is applying to the Colorado Division of Reclamation, Mining and Safety ("DRMS") for a mining and reclamation permit on this property.

Consistent with DRMS Construction Materials Rule 6, Section 6.4.20, as a permit applicant, Martin Marietta must identify permanent man-made structures within 200 feet of the affected area of our mine site and request a notarized agreement with each structure owner, indicating that Martin Marietta will compensate the structure owner for any damage to the structure(s) caused by Martin Marietta. We have identified a/some structure(s) that we believe you own within 200 feet of the permit boundary. Martin Marietta has taken and will continue to take steps to prevent any impacts to neighboring properties, including your structure(s).

Attached to this letter you will find the Structure Agreement. The Agreement assures you that Martin Marietta will take responsibility for damage to your structure(s) if Martin Marietta's mining or reclamation activities unexpectedly affect your structure(s). The DRMS provides the language used in the Structure Agreement, so this language is consistent with agreements in place at other mining operations in Colorado.

Please sign and notarize the Agreement and return the Agreement in the enclosed addressed envelope. If you are having trouble finding a notary to notarize your signature, please contact Phillip Courtney at (720) 612-6232 and he will help you.

Once received, Martin Marietta will sign the agreement and then we will send you a fully executed copy for your records.

If you have any questions about this request, please contact Phillip Courtney at 720-612-6232 or phillip.courtney@martinmarietta.com.

West Division

1627 Cole Boulevard, Suite 200, Lakewood, CO 80401

t. (720) 612-6232 m. (303) 902-0964 e. phillip.courtney@martinmarietta.com

www.martinmarietta.com

Sincerely,

Phillip J. Courtney
Land Manager

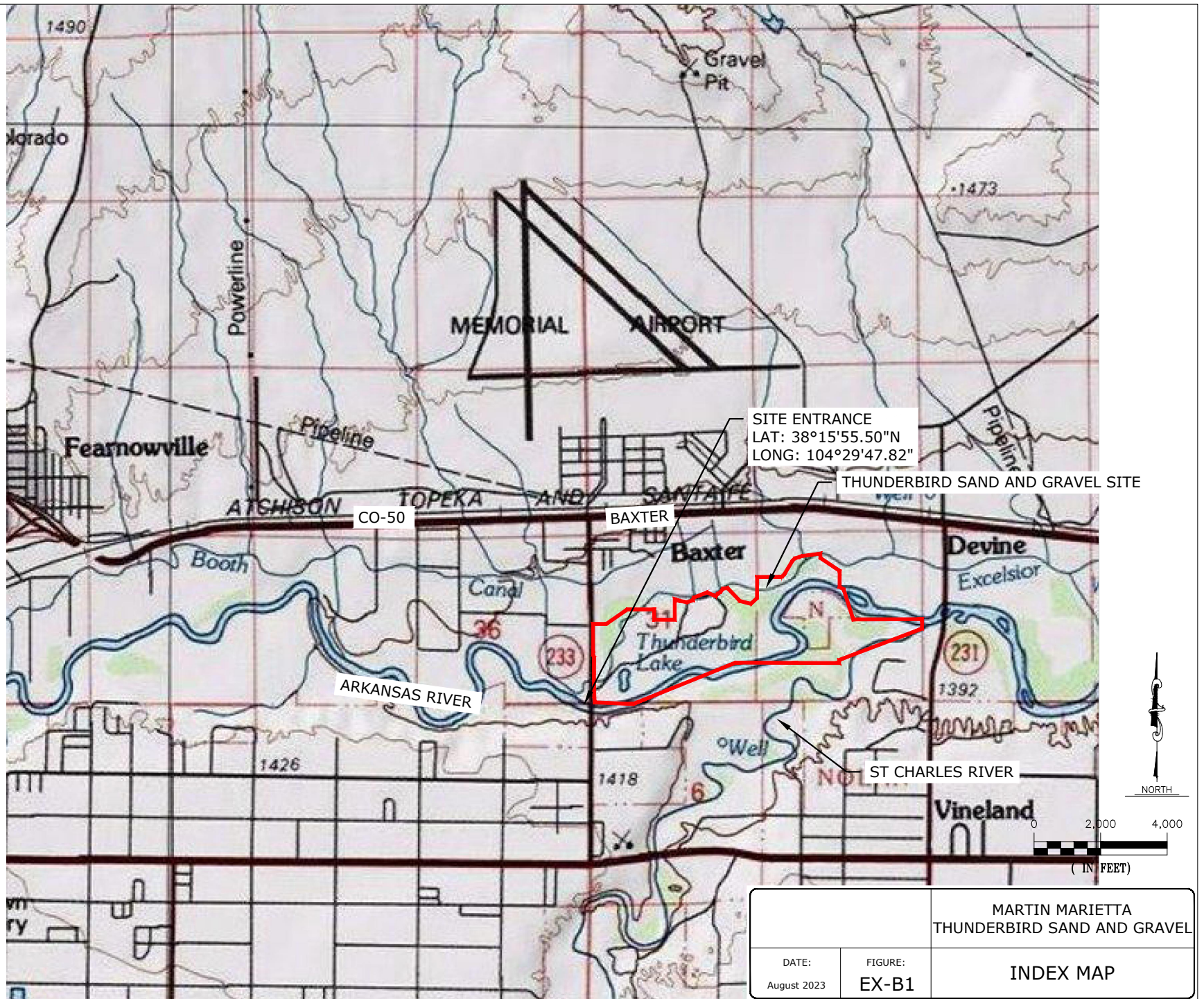
Enclosures:

Vicinity Map

Structure Agreement

Addressed envelope to use to return the Structure Agreement

Cc: DRMS





PARCEL 331007002
PREMIER AUTO BODY REPAIR LLC
STRUCTURES INCLUDE:
PARKING LOT


BAXTER ROAD

200.0' NOTIFICATION
BUFFER

THUNDERBIRD SAND AND GRAVEL SITE
AFFECTED LAND BOUNDARY

PARCEL 331007003
TXI OPERATIONS LP



| | | |
|--|-----------------|--|
|  | | MARTIN MARIETTA THUNDERBIRD SAND AND GRAVEL |
| DATE: June, 2023 | FIGURE: EX-S | PREMIER AUTOBODY STRUCTURE MAP |

Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where affected lands of a mining operation are within two hundred (200) feet of any significant, valuable and permanent man-made structure, the Applicant shall either:

- Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board (“Board”) has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

 Parking Lot

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, Martin Marietta Materials, Inc. (print applicant/company name), by Abbott Lawrence (print representative's name), as West Division President (print representative's title), does hereby certify that Premier Auto Body LLC (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 Thunderbird Sand and Gravel (operation name), File Number **TBD**.

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: Martin Marietta Materials, Inc.

Representative Name: Abbott Lawrence

Date _____

Title: West Division President

[illegible]

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

My Commission Expires: _____

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 _____.

My Commission Expires: _____

Notary Public