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Subject: SDS S1 Haul Route
Date: Monday, June 17, 2013 11:21:04 AM

Hi Joan,

I spoke to Dave Benbow last week to discuss the completion of construction-related work on the remaining Pueblo County haul route roadways associated with the S1 work package in Pueblo West. As of last week, we have completed the heavy construction activities associated with our revegetation activities for the S1 work package and have moved the heavy equipment from the site.

As you are aware, paragraph #2 on page two of the May 29, 2012 letter agreement between Colorado Springs Utilities (Utilities), on behalf of the SDS participants, and Pueblo County provides, in part, that: "Colorado Springs Utilities will inform Pueblo County, in writing, when a road is no longer being used for project and reclamation construction activities; when maintenance of the road, as provided in Permit Mitigation Appendix CR-5, has been completed and when accepted in writing by the County, road maintenance responsibilities will then be terminated for that road."

This correspondence is provided to inform you that Utilities is no longer utilizing the approved Pueblo County haul roads located south of the intersection of Purcell Boulevard and U.S. Highway 50 for project and reclamation construction activities subject to the exceptions noted below. Maintenance of these roadways, including Purcell Boulevard south of Highway 50 and Spaulding Avenue, has been completed and accepted by the Pueblo County Department of Engineering and Public Works through Mr. Benbow. Based on this acceptance, we would like to request a written response similar to that received from Pueblo County in a letter dated January 23, 2013 for the haul route roads north of Highway 50 accepting that the applicant (CSU) has maintained the HRP roads in a satisfactory manner and all maintenance activities required to be performed for use of said roads has been completed.

Similar to the January 23, 2013 letter from Pueblo County, Utilities further requests that the County indicate, in writing, its acceptance of the remaining terms of this request. In particular, it is our understanding that the County and Utilities agree upon the following:

1. There may be some infrequent traffic along Purcell Boulevard associated with the inspection and maintenance of required revegetation activities. This traffic should have no impact on the roads over and above that occurring as a consequence of normal commercial traffic along the roadway, and therefore Utilities will have no further road maintenance obligations on these roadways. Should Utilities, for some unanticipated reason such as a total loss of newly planted vegetative cover, need to utilize the roads once again for construction related activities involving the more frequent use of heavier pieces of equipment, notification will be provided to the County prior to use of the roadways and such use will be coordinated with the County.
2. Utilities and its contractors remain responsible for all obligations arising under the two year road crossing warranties associated with previously obtained County right-of-way excavation permits for the life thereof notwithstanding acceptance of the roads for

rehabilitation by the County.

3. In conjunction with SDS construction activities, Pueblo County has not, and will not in the future, exercise its 1041 powers over any state highways or Colorado State Park roads which may be used by SDS as haul roads, and hence CSU has no obligations to the County relative to such roads.
4. It is the current intent of Pueblo County to utilize the \$15M of road rehabilitation monies to be paid under the May 29, 2012 letter agreement for road rehabilitation activities within Pueblo West on those roadways included in the original approved County haul route plan.

We look forward to your written concurrence with the terms of this request and the County acceptance of the above-reference roads for rehabilitation purposes as provided under the May 29, 2012 agreement.

Thank you in advance and have a great week.

Best regards,

-Kevin.

Kevin Binkley

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