LEHIGH
HEIDELBERGCEMENT Group

Lehigh Inland Cement Limited
2494 Ferrier Street
Box 4080, RPO Redwood Centre
Winnipeg, MB R2W 5K8
Phone (204) 334-4300
Fax (204) 334-5900
www.inlandcanada.com

March 14, 2007

Executive Policy Committee

Re: Private approach

The reason I am here today is to express our concerns and give some clarification to the issues regarding file SAA 9/2006, Paragraph 3 of the subdivision agreement under DASSF 539/99 to include:

iv) OFF THE PUBLIC ROW, KNOWN AS KENASTON BOULEVARD ONTO LOT 2, PLAN 39119 AS A RIGHT IN AND RIGHT OUT.

After reading the Winnipeg Planning, Property and Development Department Report that was submitted on November 23, 2006, a few points must be clarified in order for the Executive Policy Committee to know before making their recommendation.
First, there has been no litigation that has taken place with regards to access onto Tuxedo Business Park of any type. We have not seen or been aware of any litigation from Terracon Development Ltd. that is related to Tuxedo Business Park.

Second, a cross-access agreement was never completed;
Subdivision Agreement Section 619 (1) of the City of Winnipeg Act, states;
"*The terms of the cross access agreement referenced herein shall be subject to the approval of the Director of Public Works, which shall not be unreasonably withheld or delayed, but if the Owner or any successor(s) in the title fails to enter into any such agreement(s), the City shall have no responsibility to remedy the resulting situation by providing additional points of street access or by any other means.*"
We are willing to negotiate the requirement of the cross-access agreement immediately so Terracon Development can move forward with their next construction phase.

Lehigh Inland has been aware of a plan made and filed with the City of Winnipeg to funnel all traffic from Tuxedo Business Park and Lehigh's Terminal to the Rothwell Intersection. This

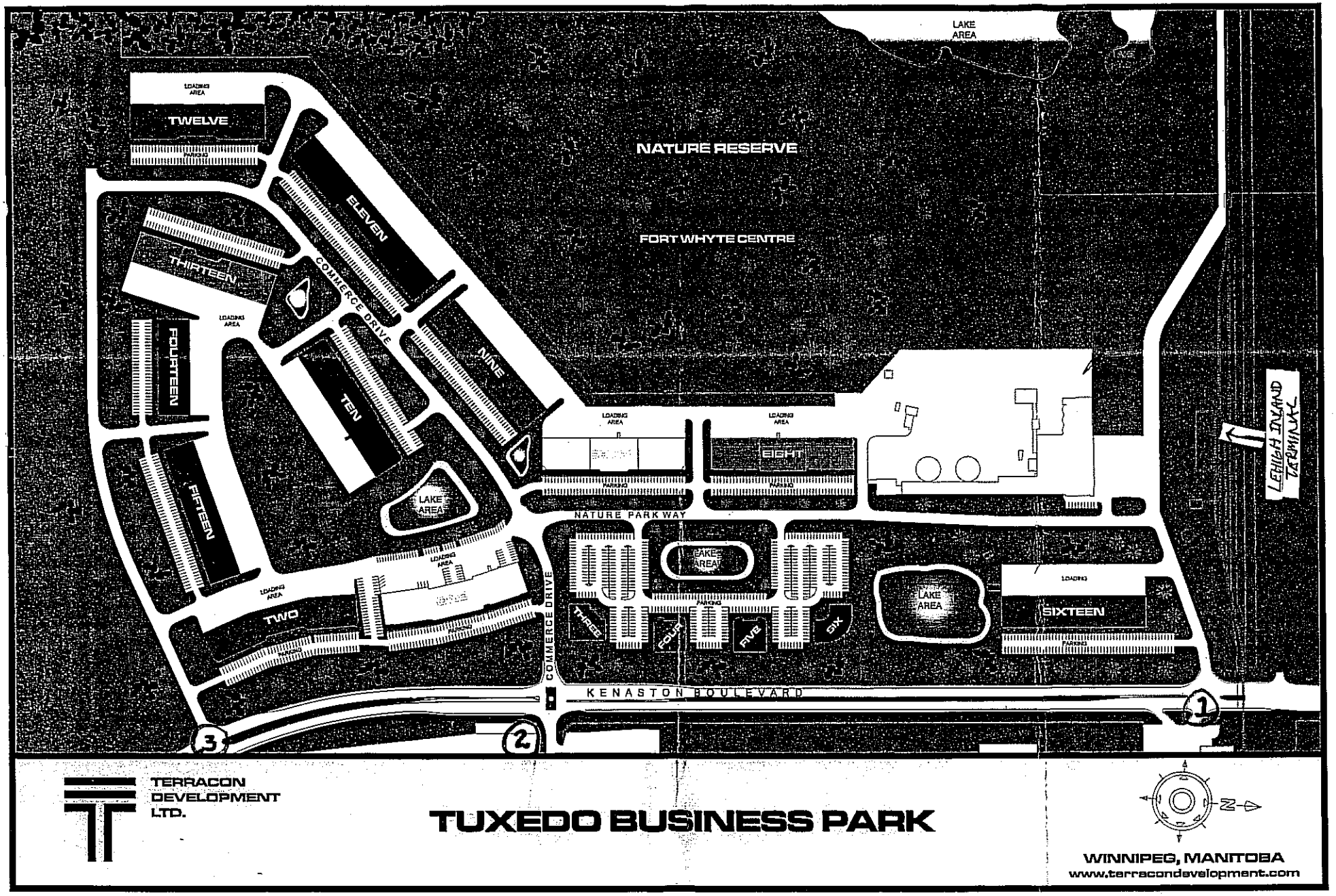
would allow all trucks from Lehigh Inland's Terminal to be routed to a controlled intersection and restrict Lehigh's current access for an entrance only approach.

We would also entertain the thought of removing our approach from Kenaston if all traffic would be directed to the Rothwell Intersection. This would alleviate the danger of Semi-trucks trying to get access onto or off of Kenaston by means of a private approach. Currently Semi trucks coming from our Terminal can block both north bound and south bound lanes of Kenaston while trying to merge into north bound Kenaston. This in it self poses a serious danger not only to our trucks, but also to the motoring traffic.

Lehigh would like Terracon Development Ltd. to move forward with the subdivision agreement Section 619(1) the way it was originally presented and approved by the City of Winnipeg. We would like to discuss a cross access agreement and set in place a plan to create safe entrance and exit out of both Tuxedo Business Park and our Terminal.

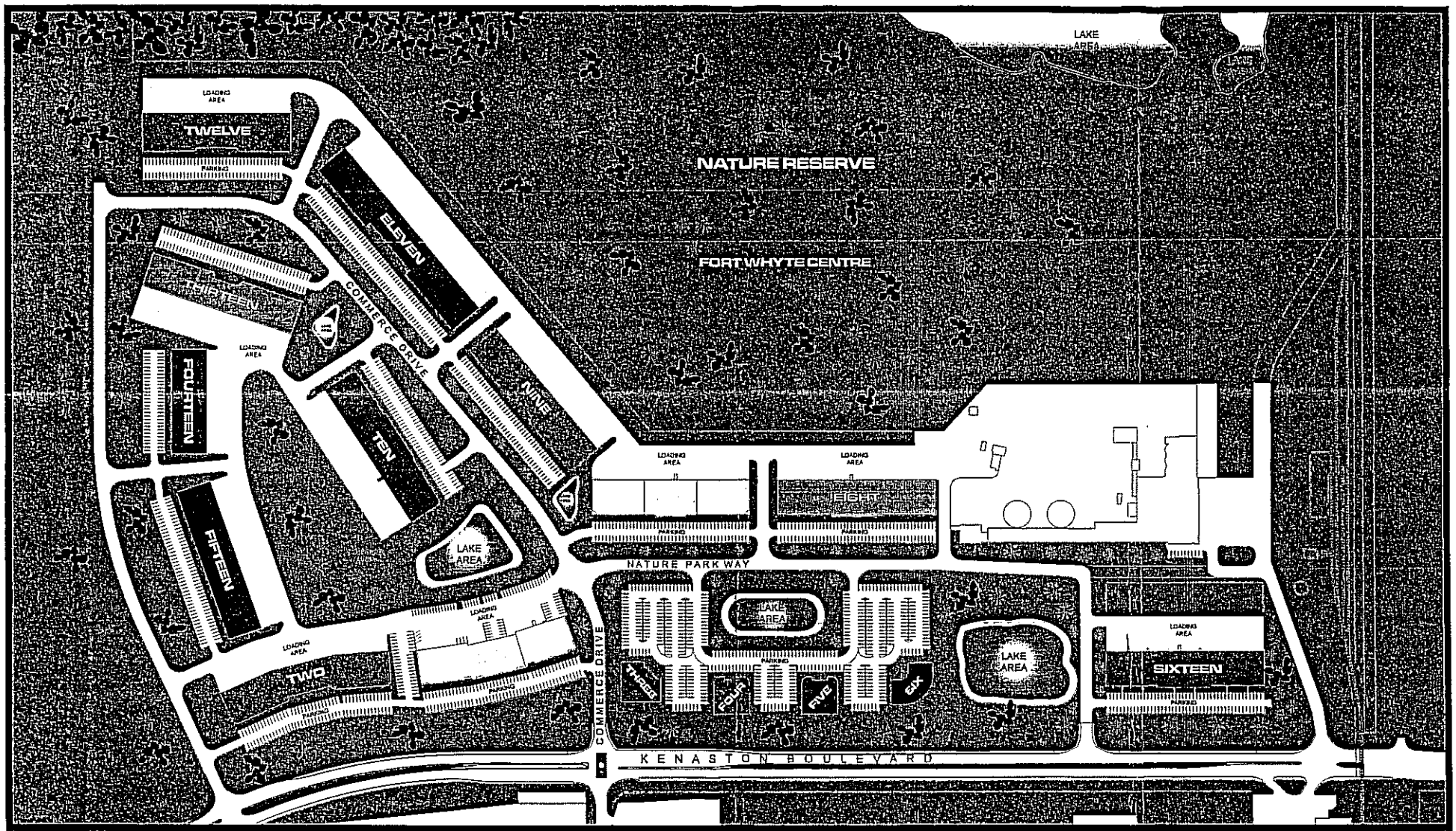
Lehigh objects to the idea of another private approach to be allowed on Kenaston Blvd, especially when there are options that have not been investigated. With the construction of the Kenaston Underpass, traffic congestion has been reduced, but by allowing private approaches onto this same road undermines the key function of making an inner perimeter.
With Waverly West under construction and the increase of traffic that will be forced onto an already busy Kenaston Blvd, do we want to further complicate and restrict the flow of traffic by increasing the number of private approaches?

Jeff Doerksen, C.E.T.
Technical Sales Representative



ORIGINAL PROPOSAL

PROPOSED AMENDMENT - MARCH 6, 2007



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TUXEDO BUSINESS PARK

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WINNIPEG, MANITOBA
www.terracondevelopment.com