

City and County of Broomfield, Colorado
CERTIFICATE OF NOTICE TO MINERAL ESTATE OWNER OF SEVERED MINERAL ESTATES

The undersigned is the Surface Owner, of the Surface Estate, each as defined in section 10-11-123(1), C.R.S., for which an application for development has been submitted to the City and County of Broomfield, Colorado, for one or more of the following initial land use actions: sketch plan, preliminary or final plat, PUD plan or amendment to a PUD plan approved before 2001, site development plan (SDP) or amendment to an SDP, zoning, rezoning, or use permitted by special review. The name and general location (Quarter, Section, Township, and Range) of the application for development is:

Colorado Revised Statute Section 24-65.5-103 contains notice requirements for mineral interest owners of surface development. This statute is attached. The undersigned has read and fully understands the requirements of C.R.S. § 24-65.5-103 regarding the notification requirements for severed mineral estates. The undersigned understands that compliance with the thirty-day notice requirement to Mineral Estate Owner is a condition of approval for the above named application for development.

By placing an "X" in the box, the undersigned certifies to the City and County of Broomfield, CO, that:

- the Mineral Estate has not been severed from the Surface Estate for the above named development and as such, no additional notice is required to be provided to a Mineral Estate Owner; or
- the Surface Owner and Applicant for the above named application for development has or will fully comply with the thirty-day notice requirement to the Mineral Estate Owner as required in C.R.S. § 24-65.5-103.

By placing an "X" in the box, the undersigned further certifies to the City and County of Broomfield, CO, that:

- the development is NOT a qualifying surface development as defined by C.R.S. § 24-65.5-102 (5.7); or
- the development is a qualifying surface development and therefore an additional certification pursuant to C.R.S. 24-65.5-103.3 will be required as a condition of final approval.

Date _____

SURFACE OWNER AND APPLICANT

STATE OF COLORADO)

)ss.

County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____ 20__ by _____ and _____.

WITNESS my hand and official seal.

(SEAL)

Notary Public

My commission expires: _____.

A copy of the Notice provided to all Mineral Estate Owners and a list of all addresses shall be returned to the City and County of Broomfield with this Certificate.

24-65.5-103. Notice Requirements. (1) Not less than thirty days before the date scheduled for the initial public hearing by a local government on an application for development, the applicant shall send notice, by certified mail, return receipt requested, or by a nationally recognized overnight courier, to:

(a) (I) A mineral estate owner who either:

(A) Is identified as a mineral estate owner in the county tax assessor's records, if those records are searchable by parcel number or by section, township, and range numbers or other legally sufficient description; or

(B) Has filed in the office of the county clerk and recorder in which the real property is located a request for notification in the form specified in subsection (3) of this section.

(II) Such notice shall contain the time and place of the initial public hearing, the nature of the hearing, the location and legal description by section, township, and range of the property that is the subject of the hearing, and the name of the applicant.

(b) The local government considering the application for development. Such notice shall contain the name and address of the mineral estate owners to whom notices were sent in accordance with paragraph (a) of this subsection (1).

(1.5) If an applicant files more than one application for development for the same new surface development with a local government, the applicant shall only be required to send notice pursuant to subsection (1) of this section of the initial public hearing scheduled for the first application for development to be considered by the local government. Local governments shall, pursuant to section 24-6-402 (7), provide notice of subsequent hearings to mineral estate owners who register for such notification.

(2) (a) The applicant shall identify the mineral estate owners entitled to notice pursuant to this section by examining the records in the office of the county tax assessor and clerk and recorder of the county in which the real property is located, including the appropriate request for notification pursuant to subsection (3) of this section. Notice shall be sent to the last-known address of the mineral estate owner as shown by such records.

(b) If such records do not identify any mineral estate owners, including their addresses of record, the applicant shall be deemed to have acted in good faith and shall not be subject to further obligations under this article. The applicant shall not be liable for any errors or omissions in such records.

(3) A mineral estate owner who requests or desires to obtain notice under this article or the mineral estate owner's agent may file in the office of the county clerk and recorder of the county in which the real property is located a request for notification form that identifies the mineral estate owner's mineral estate and the corresponding surface estate by parcel number and by section, township, and range numbers or other legally sufficient description. The clerk and recorder shall file request for notification forms in the real estate records for the county and shall also keep an index of request for notification forms by section, township, and range numbers or by subdivision lots and blocks.

(4) Prior to convening an initial public hearing on an application for development, a local government shall require the applicant to certify that notice has been provided to the mineral estate owner pursuant to subsection (1) of this section.

(5) A mineral estate owner may waive the right to notice under this section in writing to the applicant. Failure of a mineral estate owner to be identified in the records described in paragraph (a) of subsection (1) of this section or to file a request for notification under subsection (3) of this section shall not waive the right of such mineral estate owner to file an objection with the local government to such application for development no later than thirty days following the initial public hearing for approval of the application for development or to exercise the remedies set forth in section 24-65.5-104.

(6) Before completing the sale of a mineral estate, a mineral estate owner who has received notice as the owner of the mineral estate of a pending public hearing with respect to an application for development pursuant to this section shall notify the buyer of the mineral estate of the existence of the application for development. A transfer of an interest in a mineral estate by a mineral estate owner following the filing of a request for notification pursuant to subsection (3) of this section shall not modify the address to which the applicant may deliver notice under paragraph (a) of subsection (1) of this section until the transferee of such interest has filed an amendment to the request for notification describing the address to which such notices shall be sent.

C.R.S. 24-65.5-102 (5.7) "Qualifying Surface Development" means an application for development covering at least one hundred sixty gross acres, plus or minus five percent, within the greater Wattenburg area, including any applications for development filed by affiliates sharing a common boundary in whole or in part.

A copy of the Notice provided to all Mineral Estate Owners and a list of all addresses shall be returned to the City and County of Broomfield with this Certificate.