



TOWN OF ERIE

Community Development Department
645 Holbrook Street – PO Box 750 – Erie, CO 80516
Tel: 303.926.2770 – Fax: 303.926.2706 – Web: www.erieco.gov

NOTICE REQUIREMENTS FOR MINERAL ESTATE OWNERS

24-65.5-103 C.R.S.

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 first class mail, to:
 - a. The mineral estate owner. Such notice shall contain the time and place of the initial public hearing, the nature of the hearing, the location 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 owner.
- 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 owner by examining the records in the office of the county clerk and recorder of the county in which the real property is located. Notice shall be sent to the last-known address of record of the mineral estate owner if the records in the office of the county clerk and recorder establish:
 - I. The identity and address of record of the owner of the mineral estate; or
 - II. That an applicable request for notification form pursuant to subsection 3 of this section is of record; or
 - III. That the mineral estate owner has recorded an instrument satisfying any applicable dormant mineral interest act.
 - 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 or 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. 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.
4. Local governments shall, as a condition of approval of an application for development, 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.
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 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.

PAGE TWO MUST BE SIGNED AND NOTARIZED ➤

CERTIFICATE OF NOTICE TO MINERAL ESTATE OWNER

The undersigned is the Surface Owner, as defined by 10-11-123(1)(d), C.R.S., of the Surface Estate, as defined by 10-11-123(1)(c), C.R.S., for which an application for development has been submitted to the Town of Erie, Colorado.

The project name and file number of the application for development is as follows:

PROJECT NAME

FILE NO.

The undersigned does hereby certify to the Town of Erie, Colorado, that the Surface Owner and Applicant for the above named application for development has fully complied with the thirty-day notice requirement to the Mineral Estate Owner as required by 24-65-103(1), C.R.S.

Check the appropriate box below:

- ☐ The undersigned certifies to the Town of Erie, Colorado, that the Mineral Estate **has not** been severed from the Surface Estate for the above named application for development.
- ☐ The undersigned certifies to the Town of Erie, Colorado, that the Mineral Estate **has** been severed from the Surface Estate and that the Mineral Estate Owner(s) has been notified of the above named application for development.

Owner:

SIGNATURE

DATE

Applicant:

SIGNATURE

DATE

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this _____ day of _____, 200__ by _____ as

_____.

Witness my hand and official seal

Notary Public

My commission expires: _____