



Severed Mineral Rights

In This Document

Notification of Severed Mineral Rights	2
Certification of Notice Pursuant to C.R.S. 24-65.5-103	3

Notification of Severed Mineral Rights

Effective July 1, 2001, the City of Arvada pursuant to Section 24-65.5-101 et seq. C.R.S., requires that development applicants and surface owners notify owners of mineral interests that have been severed from the surface right concerning surface development being proposed such as, but not limited to, preliminary plats, development plans, rezoning and special use permits.

Not less than thirty days before the date scheduled for the initial public hearing before the Planning Commission on an application for development, the applicant/owner shall send notice, by first class mail to:

1. The mineral right owner and 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.
2. The local government considering the application. Such notice shall contain the name and address of the mineral estate owner.

The applicant/owner shall identify the mineral right 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 mineral right owner if the records in the office of the county clerk and recorder establish:

1. the identity of the owner of the mineral right; or
2. that an applicable "request for notification" form (filed by a mineral right owner or the owner's agent, pursuant to Section 24-65.5-103, C.R.S.) is of record; or
3. that the mineral right owner has recorded an instrument satisfying any applicable dormant mineral interest act.

If such records do not identify any mineral right owners, the applicant/owner shall be deemed to have acted in good faith and shall not be obligated to notify any further. A mineral right owner may waive the right to notice in writing to the applicant/owner.

The applicant/owner must certify, in form approved by the City, that proper notice has been provided to the mineral right owner(s), or that an examination of real estate records does not identify any mineral right owners. See Certification of Notice Pursuant to C.R.S. 24-65.5-103 form.

Note: This handout is intended as a helpful guide, but does not substitute for your own careful reading of the state statutory requirements concerning required notification of severed mineral estate owners, found at Section 24-65.5-101 et seq., C.R.S. (2001)

Certification of Notice Pursuant to C.R.S. 24-65.5-103

The undersigned do(es) hereby certify that an examination of the records in the office of the County Clerk and Recorder was made in accordance with C.R.S. 24-65.5-103 et seq. and (check applicable box and fill in information)

thereafter, on _____, 20__, which is not less than thirty (30) days before the date scheduled for the initial public hearing on the application for development known as _____, notice was sent, by first class mail, to 1) the below-named mineral right owner(s) as listed in the records of the County Clerk and Recorder, containing 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(s); AND 2) the City of Arvada, with the name(s) and address(es) of the mineral right owner(s). A COPY OF THE NOTICE SENT IS ATTACHED HERETO.

Listing of Mineral Right Owner(s):
Name(s): _____

Address(es): _____

such records do not identify any mineral right owners.

Development Applicant's Signature
Print Name: _____

Surface Owner's Signature
Print Name: _____

State of Colorado)
)ss.
County of Jefferson)

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

My commission expires: _____ WITNESS my hand and official seal.

Notary Public

FAILURE TO PROVIDE THIS CERTIFICATION, INDICATING COMPLIANCE WITH C.R.S. 24-65.5-103 ET SEQ., IS LIKELY TO RESULT IN A CONTINUANCE OF THE HEARING.