



COMMUNITY DEVELOPMENT DEPARTMENT
308 BYERS AVE. • P.O. • HOT SULPHUR SPRINGS • 80451
970-725-3255 OR FAX 970-725-3284

Mineral Rights Notification

In the state of Colorado, it is not uncommon to have severed mineral and surface rights on a property. If you are applying for development, it is your responsibility to determine if the property has different surface and mineral rights. If the property does have separate surface and mineral rights owners, it is your responsibility to notify both the mineral rights owner and Grand County of the separate ownership.

The following development applications require mineral rights notification if the property has severed ownership rights:

Always Requires Mineral Rights Notification

Subdivision Sketch Plan
[Design Standards - Section 2.9]

Rural Land Use Process - Preliminary Plat
[Preliminary Plan - Section 4.2(3) (b) (i)]

Schematic PUD Plan
[Schematic Planned Unit Development Plan - Section III C]

Subdivision Exemption Sketch Plan
[Sketch Plan- Section 3.2 (2) (j)]

Requires Mineral Rights Notification If Done in Anticipation of the Construction of Permanent Buildings

Special Use Permit
[GCZR - Section 11.4]

Amended Final Plat
[Design Standards - Section 2.9]



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Mineral Rights Notification Procedural Outline

In the state of Colorado, it is not uncommon to have severed mineral and surface rights on a property. This means that one owner (surface owner) will have the right to develop the surface of a parcel of land while another owner (mineral estate owner) will have mineral extraction rights.

Pursuant to Colorado Revised Statutes (C.R.S) 30-28-133(10) and 24-65.5-101 et al., when there is an application for surface development (including subdivisions that will result in one additional lot or any development application that is done in anticipation of the construction of permanent buildings) it is the responsibility of the applicant to notify the owner(s) and or lessee(s) of the mineral rights of the land of such development. Similarly, when there are plans for mineral extraction from the land, the mineral estates owner is to notify the owner of the surface rights of the land.

How do I find the mineral rights owner?

To find the owners and lessees of the mineral interests on the subject property, you can do your own research using the public records databases available in the with BLM records at: gloreCORDS.blm.gov, Clerk and Recorder's Office, and the Assessor's Office, or you can hire an attorney or title company to perform the research.

How do I notify the mineral rights owners?

The C.R.S. requires that notice of the hearing be provided to the mineral owners and lessees and also the local government (Grand County Department of Community Development) by certified mail, return receipt requested, or by a nationally recognized overnight courier, no later than 30 days prior to the initial hearing date. The notice must contain the date, time and place of the hearing, the nature of the hearing, the location and legal description by section, township, and range of the property, and the name of the applicant. For applications that do not require a hearing, the notice should include the date a decision will be made by the Community Development Department.

What certification do I submit to the Planning Department?

A Mineral Interest Notice Certification Form must be signed by the applicant, notarized and submitted to the Department of Community Development prior to the initial hearing date. Failure to do so will result in the hearing being rescheduled to a later date. The Certification Form can be found on the Grand County Website or it can be picked up at the Grand County Community Development Department.

Definition of Terms

Minerals

Anything below the surface, such as oil, natural gas, coal, clay, silver, gold, copper, salt, sand and gravel or any other material below the surface.

Mineral Rights

Ownership rights to minerals under the surface of a piece of land. The rights can be sold or leased.

Surface Rights

Ownership rights that are limited to the surface of the property and that do not include the minerals below the surface.

Mineral Rights Lessee

A person or entity who has entered into a lease with the mineral rights owner to explore for, develop and produce the leased minerals.

Questions?

Contact:
Division of Planning and Zoning -
Planning@co.grand.co.us

Mineral Interest Notice Certification Form

The undersigned applicant certifies that he/she has complied with the requirements of §24-65.5-103 and §30-28-133(10) C.R.S. by providing to the mineral estate owner(s) and lessee(s), listed on Exhibit "A" attached hereto, and to the Grand County Planning Department thirty (30) days prior written notice of the:

Grand County Planning Commission hearing scheduled for _____ and the Board of County Commissioners hearing scheduled for _____ (if applicable) for the _____ (name of project).

Applicant further certifies that notice was provided by certified mail, return receipt requested, or by a nationally recognized overnight courier, and that the notice contained the time and place of the hearing(s), and the name of the applicant. Applicant further certifies that notice provided to the Community Development Department also contained the name and address of the mineral estate owner(s) and lessee(s) to whom notices were sent.

APPLICANT:

_____ (signature)

_____ (print name)

STATE OF COLORADO)

)ss.

COUNTY OF GRAND)

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

Witness my hand and official seal.

My commission expires _____.

Notary Public

Note: This Certification must be received by the Grand County Community Development Department prior to the initial hearing. Failure to receive this notice will result in the hearing being rescheduled to a later date.

[Insert date]

[Insert mineral interest owner's/lessee's address]

RE: Notification of Application for Development

Dear Mineral Interest Owner or Lessee,

As required by Colorado State Statute 24-65.5-103, I am notifying you that I have submitted an application to the Grand County Community Development Department for [insert name of proposed project], a [insert description of development proposal], on property located [insert location and legal description by section, township, and range].

APPLICATIONS REQUIRING A PLANNING COMMISSION HEARING ONLY:

The initial public hearing will be held before the Grand County Planning Commission on [insert date] at 6:30 pm in the Commissioners' Meeting Room in the Grand County Courthouse, 308 Byers Avenue, Hot Sulphur Springs, Colorado.

APPLICATIONS REQUIRING PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS HEARINGS:

The initial public hearing will be held before the Grand County Planning Commission on [insert date] at 6:30 pm in the Commissioners' Meeting Room in the Grand County Courthouse, 308 Byers Avenue, Hot Sulphur Springs, Colorado. The Planning Commission will review the application and recommend approval or disapproval to the Board of County Commissioners.

Final approval or disapproval of the application will be considered by the Grand County Commissioners on [insert date] at [insert time] in the Commissioners' Meeting Room in the Grand County Courthouse, 308 Byers Avenue, Hot Sulphur Springs, Colorado.

APPLICATIONS APPROVED ADMINISTRATIVELY (NO HEARINGS REQUIRED):

Final approval or disapproval of the application will be determined by the Grand County Community Development Department on [insert date].

Respectfully,

[Insert applicant name here]

NOTICE SHALL ALSO BE SENT TO THE GRAND COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AND SHALL INCLUDE THE NAMES AND ADDRESSES OF MINERAL OWNERS AND LESSEES TO WHOM NOTICES WERE SENT.