

# Severed Mineral Rights



## Facts to Know

### RELATED FACTS TO KNOW:

Annexation, Conditional Use Permit, Condition Compliance/Renewal, Development Plan, Fees, Height Exceptions, Helpful Contact Information, Land Use Plan Amendment, Landscape Plan, Neighborhood Meeting, Planned Unit Development (PUD), Pre-Application Meeting, Right-of-Way Vacation, Subdivision (Plat), Use-by-Permit, Variance, and Zone Change.

### INTRODUCTION:

Pursuant to Colorado Revised Statute (CRS) 24-65.5-101, et seq., applicants for land use cases involving surface development, or land uses cases done in anticipation of surface development, must notify the owner(s) of severed mineral interests of the proposed development.

### GENERAL TIMEFRAME:

- Not less than 30 days before the date of the scheduled public hearing before the Planning Commission or Board of Adjustment, or in the case of annexation, before the date scheduled for public hearing before the City Council, state law requires that the applicants send notice by first class mail to identifiable mineral right owner(s) stating:
  - The time and place of the public hearing.
  - The nature of the hearing.
  - The location of the property that is the subject of the hearing.
  - The name of the applicant.
- Prior to the initial hearing, the applicant must certify to the city that the aforementioned notice has been provided to any mineral estate owner identified as such in the Adams County Tax Assessor records or those mineral estate owners who have filed a request for notification in the County Tax Assessor's Office. CRS 24-65.5-103(4).
- Prior to final approval by the city, the applicant must certify that they have provided the required notice and that no objection to the application has been received, or that the applicant and any mineral rights owner that filed an objection have reached an agreement, or that the application for development provides access in the manner detailed in CRS 24-65.5-103.3.

### GENERAL NOTES:

- It is the responsibility of the applicant to notify all severed mineral right holder(s). This handout is intended to be a helpful guide, but does not substitute for the applicant's reading of the statutory requirements for the notification of severed mineral rights found in the Colorado Revised Statutes.**

# FTK: Severed Minerals Rights

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- ☐ Mineral right owners may be identified by examining records in the office of the Adams County Tax Assessor. The required notice for severed mineral rights shall be sent to the mineral right owner(s) if the records establish:
  - ➔ The identity of the owner of the mineral right(s); or
  - ➔ That an applicable “request for notification” form is of record.
  - ➔ If the records in the Adams County Tax Assessor’s Office do not identify any mineral right owner(s), the applicant shall be deemed to have acted in good faith and shall not be subject to any further notification obligation. A mineral right owner may waive the right to be noticed in writing to the applicant.
  - ➔ The applicant must certify, in a form approved by Commerce 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 owner(s).

The attached form should be used for certification of the notice to severed mineral right owner(s).

**Failure to provide certification indicating compliance with CRS 24-65.5-103 will result in continuance of the hearing until there is compliance.**

