



MINERAL ESTATE OWNERS & LESSEES (1088) NOTIFICATION PROCEDURE

Notice to Mineral Estate Owners (MEO) and Lessees is required pursuant to La Plata Land Use Code (LPLUC) 82-85(b) & (c) and Colorado Revised Statute (CRS) 24-65.5-103. We recommend the following procedure:

Step 1 – Doc Legal Research

- A. Go to the La Plata County online recorded documents site at <https://www.idocmarket.com/>. If you need navigation assistance, please call the Clerk & Recorder at 970-382-6280.
 - a. Click **Get started>>**.
 - b. Select Colorado.
 - c. Select Subscribe under La Plata, CO.
 - d. You will need to Sign Up for an account (if you don't have one) in order to view documents. Select the pass that best fits your needs and register.
 - e. Once you have registered for an account and are in the search window. Change Instrument Type to: MINERAL REQUEST NOTIFICATION.
 - f. Click **Search**.
 - g. Scroll through all search results to verify if the parcel you are researching is included in the documents.

Step 2 – Notify

- If MINERAL REQUEST NOTIFICATION legal documents **are not** found for your parcel, there are no County-registered MEO or Lessee and you may skip to step 3.
- or
- If MINERAL REQUEST NOTIFICATION legal documents are found for your parcel, you must notify the address(s) provided in the recorded document (often the first page).
 - As of March 2013, the only registered MEO and Lessee is ConocoPhillips (Burlington Resources); there will likely be others in the future. Notification instructions are listed in LPLUC section 82-85(b). In addition to providing notice, please also provide the address(s) of the MEO as part of your project submittal.

Step 3 – Certify

- A. Sign the **Certification by Applicant/Developer** form – your signature must be notarized. This form is often referred to as the 1088 Certificate and signifies that you have followed proper notification procedures.
- B. Submit the form to the Planning Department as part of project submittal.

Submit AFTER proper notification. Proper notification cannot be done prior to submittal. See information below:

**Certification by Applicant / Developer of
Compliance with C.R.S. § 24-65.5-103: Notification of Pending Application for Development to
Mineral Estate Owners and Lessees**

Applicant/Developer:

In 2001, the Colorado Legislature passed Colorado House Bill 01-1088 (Codified at C.R.S. § 24-65.5-103). In 2002, the Colorado Legislature passed Colorado House Bill 02-1357 (Codified at C.R.S. § 24-65.5-103), revising HB 1088 regulations. This law requires every applicant for a subdivision plat or a minor exemption subdivision plat creating more than one new lot, or a Class II land use permit to notify all owners and lessees of any mineral rights that have been severed from the surface rights in any property proposed for development. Such notification must be made not less than thirty days before the initial public hearing on the application for development, and shall, at a minimum, meet the requirements of Colorado Revised Statute § 24-65.5-103.

The notification must have the date, time and place of the public hearing, therefore you will not be able to send this 1088 notification or file this certification prior to submittal. The planner assigned to your project will work with you on setting a date for public hearing so you can send the notification at the appropriate time. At the time the required notice is sent, the applicant must also provide the County Planning Department with the names and addresses of any owners or lessees of any mineral rights that have been severed from the surface rights in the property proposed for development.

Every applicant for a subdivision plat or a minor exemption subdivision plat creating more than one new lot, or a Class II land use permit must also certify that he/she has complied with the statutory notification requirements before the project can be submitted to the Planning Commission, Joint Planning Commission, or Board of County Commission for the project's initial public hearing. **Again, this certification cannot be valid until after the notification has been sent.** Please see Colorado House Bill 01-1088 and Colorado House Bill 02-1357 (Codified at C.R.S. § 24-65.5-103) and for more information and details.

The project planner will tentatively schedule this project for the initial public hearing approximately 42 days prior to the hearing. At that time, the Applicant must perform the appropriate notification and provide this signed certification form, along with a name and address list of those notified, to the planner prior to the finalization of the agenda for which this project was tentatively scheduled. See C.R.S. 24-65.5-104 for enforcement details. This new law went into effect July 1, 2001, was revised in 2002 and applies to every project which had not gone to the initial public hearing prior to July 1, 2001.

Please fill out ALL blanks below properly and completely and get it notarized prior to submittal to planning

As the Developer for Project # _____, known as _____, I hereby certify that I have complied with the Notification Requirements of **House Bill 01-1088** and **C.R.S. 24-65.5-103** by providing notification of the application for development to all owners and lessees of any mineral rights that have been severed from the surface rights in the property proposed for development. Such notice was sent no less than 30 days prior to the initial public hearing date and the list of those contacted has been submitted to the County's file for this project.

DEVELOPER: Executed on this _____ day of _____, _____.
_____(Signature) _____(Printed Name)

The foregoing instrument was acknowledged before me this _____ day of _____, _____,
by _____ . Witness my hand and official seal

My Commission expires: _____ Notary Public: _____(SEAL)_____