



MINERAL ESTATE OWNERS & LESSEES (1088) NOTIFICATION PROCEDURE

Notice to Mineral Estate Owners (MEO) & Lessees is required for certain land use permit applications, pursuant to La Plata Land Use Code (LUC) Sec. 66-14.IV.C and Colorado Revised Statute (CRS) § 24-65.5-103. We recommend the following procedures to identify MEO & Lessees who must receive notice:

Step 1 – Identification

Both types of searches outlined below will need to be conducted to identify any MEO and Lessees which must be noticed.

- A. Go to the La Plata County Assessor's Office website at <https://eagleweb.laplata.co.us/assessor/web/>.
 - a. Select **Enter EagleWeb**.
 - b. Under "Public User Login," select **Enter EagleWeb**.
 - c. Enter **R*** in the "Account Number" search box.
 - d. Under the "Tract Legal" section, enter the Section, Township, and Range containing the parcel(s) subject to the land use permit application.
 - e. Under "Parcel Classification," select **50 – Natural Resources**.
 - f. Select **Search**.**
- B. 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. If you already have an account with iDoc Market, log in and go to La Plata, CO. If you do not already have an account, select **Get started>>** and follow steps i to iii below.
 - i. Select **Colorado**.
 - ii. Select **Subscribe** under "La Plata, CO."
 - iii. Select the Pass that best fits your needs, and register for that Pass.
 - b. Once you have logged in or registered for a Pass, go to the search window, and change "Instrument Type" to: **MINERAL REQUEST NOTIFICATION**.
 - c. Select **Search**.
 - d. Scan through all documents yielded by your search for any parcel number or other legal description which matches or applies to the parcels subject to the land use permit application.**

****If the documents found do not contain APNs (parcel numbers) or any other means of identifying the subject properties then notice is not required.**

Step 2 – Verify

- A. Sign and submit the **VERIFICATION OF MEO or LESSEE SEARCH** at submittal. If you verify that your search did not find any MEO or lessee, you need not complete Step 3. If, however, you verify that your search found one or more MEO or lessee, you must complete Step 3 below.

Step 3 – Notify and/or Certify

- A. If either search identifies a MEO or Lessee, you must notify each MEO/Lessee at the address provided at least 30 days prior to the scheduled public meeting on the application.
- B. Sign and notarize the **Certification by Applicant/Developer** form and submit to the Community Development Department. This form is often referred to as the 1088 Certificate, and signifies that you have followed proper notification procedures.



VERIFICATION OF MEO or LESSEE SEARCH

Pursuant to the La Plata Land Use Code (LUC) Sec. 66-14.IV.C, I have performed the search for Mineral Estate Owners (MEO) & Lessees through iDoc Market and EagleWeb.

My search found Mineral Estate Owners or Lessees:

☒ Yes

No

☐ Yes. If yes, please attach a complete list of such MEOs and Lessees, including their mailing addresses.

Project Property Address: 8760 South R Road, Durango, CO

Project Parcel Number: 55971530007, 555951550076

Project Number: P120280036

Andrew Arnold

Owner/Applicant Printed Name

Owner/Applicant Signature

Notice to Mineral Estate Owners (MEO) & Lessees is required for certain land use permit applications, pursuant to La Plata Land Use Code (LUC) Sec. 66-14.IV.C and Colorado Revised Statute (CRS) § 24-65.5-103. If your search found MEOs or lessees, sign and notarize the Certification by Applicant/Developer form (1088 form).

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 creating more than one new lot, or a Major or Minor 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 Community Development Department with an updated list of 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, if such list has changed since its first submittal.

Every applicant for a plat creating more than one new lot, or a Major or Minor 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 staff.

As the Developer for Project # PL20220083, known as Roberts Resorts/Walton Canyon/Flagstaff Canyon/The Shoshone, 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 1 day of July _____
Scott Roberts (Signature) _____ (Printed Name)

The foregoing instrument was acknowledged before me this _____ day of _____,
By: Scott Roberts _____ Witness my hand and official seal:

My Commission expires: Jan 13, 2023 Notary Public: Cecilia V. Mendoza (SEAL)

rev. 09-22-2020

