

SPONSORED BY TRUSTEE

TRUSTEE'S BILL

ORDINANCE NO.

NO. _____
Series of 2003

_____ Series of 2003

TITLE: A BILL FOR AN ORDINANCE ADDING A NEW SECTION 16-103 TO THE HUDSON MUNICIPAL CODE TO REQUIRE ALL APPLICANTS WHO SUBMIT APPLICATIONS FOR DEVELOPMENT TO PROVIDE NOTICE TO MINERAL ESTATE OWNERS WHERE INTERESTS ARE SEVERED

WHEREAS, C.R.S. § 24-65.5-101, *et seq.*, provides requirements for applicants who submit an application for development to local governments to notify mineral estate owners of the public hearing on the proposed development; and

WHEREAS, C.R.S. § 24-65.5-101, *et seq.*, also requires local governments to require certification by the applicants that such notice was given as a condition of approval for all applications for development.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. The Hudson Municipal Code is amended by the addition thereto of a new Section 16-103, which is to read as follows:

Sec. 16-103. Notice Requirements to Mineral Estate Owner.

(a) As used in this section, the following terms shall have the following meanings:

Mineral estate means an interest in real property that is less than full fee title and that includes mineral rights as shown by the real estate records of the county in which the real property is situated.

Mineral Estate Owner means the owner or lessee of a mineral estate for which notice is required pursuant to this section 16-103, and for which the records of the Weld County Clerk and Recorder allow the applicant to reasonably and in good faith identify the mineral estate owner.

(b) The following applications shall be subject to the notice procedures to mineral estate owners outlined herein.

Rezoning (amendments to the Official Zoning Map);

Use by special review;

Any amendment to a development guide or development plan;

Minor Developments; and

Sketch plans and preliminary plans for subdivision; provided, however, that if the notice provided for herein was not given for a sketch plan or preliminary plan prior to the enactment of this section 16-103, it shall be required for approval of a final plat; and

Replats.

(c) Notice Requirements. Where the mineral estate is severed from the surface estate, the applicant shall, at least thirty (30) days prior to the date of the scheduled public hearing on the application for development:

Send notice by first class mail to the mineral estate owner which notice includes the time and place of the first 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;

Send notice to the Town containing the name and address of the mineral estate owner.

Certify to the Town, prior to or at the first scheduled public hearing on the application, that proper notice has been provided to the mineral estate owner. Such certification shall consist of a statement indicating compliance with this section, as well as a certificate of mailing, attached to the notice sent to the mineral estate owner, to read as follows:

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the _____ day of _____, 20____, a true and correct copy of the within Notice of Public Hearing was deposited in the U.S. mail, postage prepaid, first class,

addressed as follows:

Mineral Estate Owner
[Address]

An applicant's failure to provide a Certificate of Mailing indicating compliance with the notice requirements will result in automatic denial of the application by the Town.

The mineral estate owner may waive the right to notice under this section in writing to the applicant, and receipt of this waiver by the Town shall satisfy the notice requirements contained herein.

Section 2. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this _____ day of _____, 2003.

TOWN OF HUDSON, COLORADO

Charles E. Rossi, Mayor

ATTEST:

Judy Larson, Town Clerk

PASSED ON SECOND AND FINAL READING this _____ day of _____, 2003, AND ORDERED PUBLISHED ONCE IN FULL.

TOWN OF HUDSON, COLORADO

Charles E. Rossi, Mayor

ATTEST:

Judy Larson, Town Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, Town Attorney