

There is no consistent chain of "party A sold to party B sold to party C sold to party D" that can be traced from the references in the Title Commitment. Some of them are either difficult or impossible to read in important areas. It appears that title to the right to mine sand in the area was given to David DeGraff by the Federal Government in 1875. Unknown rights (unreadable) were granted to Edwyn Evans by W. T. Rodney in 1919. On October 19, 1979 the property was exempted from the County Master Plan for Extraction of Commercial Mineral Deposits. The mineral and water rights of multiple properties were sold on December 31, 1979 by Empire Holdings Inc. to John Venezia, with no indication that Empire Holdings Inc. had purchased the rights on the property currently being considered in this application. A property that was identified as Parcel S was part of the transaction, but the part platted as Cimarron South Filing No. 1, which is the legal description of the property being considered in this application, was specifically excluded. On February 16, 2011, the area including my property was leased to Transcontinent Oil for oil and gas exploration by the Virginia H. Callen Estate, then the lease was relinquished on July 15, 2011. There is no documentation showing ownership of those mineral rights by the Virginia H. Callen Estate, and as owner of the physical property, I was never made aware of permissions being given to third parties for ingress, egress, road building, drilling, etc. On February 11, 2013, this same property was included in a sale of leases from Transcontinent Oil to Hilcorp Energy, which is suspect, since Transcontinent Oil did not own the lease on the property. With the non-continuous list of documents referenced by the Title Company, and with the transfer of rights not properly held by some of these parties, I can't tell who the real owner of mineral rights might be. I have to believe that these issues were considered in the letter from the County Assessor stating that the property owner has ownership of 100% of the minerals.

**Notice to Mineral Estate Owners**  
**§24-65.5-101, et seq., C.R.S. – Checklist and Certification**

**An examination of the records of the Clerk and Recorder's Office established the following:**

**Checklist**

- \_\_\_\_\_ identity of the owner(s) of mineral estate
- \_\_\_\_\_ the mineral estate owner(s) has filed a proper notification form
- \_\_\_\_\_ the mineral estate owner(s) has recorded an instrument satisfying an applicable dormant mineral interest act
- X   no mineral estate owner(s) was found
- \_\_\_\_\_ mineral owner(s) waived the right to notice in writing to the Applicant.

**If a mineral estate owner(s) exists, a Notice shall be sent to the mineral estate owner no less than thirty (30) days prior to the initial public hearing. The Notice shall include:**

- \_\_\_\_\_ time and place of initial public hearing
- \_\_\_\_\_ nature of hearing
- \_\_\_\_\_ location of property/subject of hearing
- \_\_\_\_\_ name of applicant
- \_\_\_\_\_ notice was sent to mineral estate owner(s) no less than thirty (30) days prior to initial public hearing (do not count day of mailing in thirty (30) day calculation).

**If a mineral estate owner(s) exists, a copy of the Notice shall be sent to the local government at the same time as notice s mailed to the mineral owner(s) and no less than thirty (30) days prior to the initial public hearing. The Notice shall include:**

- \_\_\_\_\_ time and place of initial public hearing
- \_\_\_\_\_ nature of hearing
- \_\_\_\_\_ location of property/subject of hearing
- \_\_\_\_\_ name of applicant
- \_\_\_\_\_ name and address of mineral estate owner
- \_\_\_\_\_ notice was sent to El Paso County Planning Department no less than thirty (30) days prior to initial public hearing (do not count day of mailing in thirty (30) day calculation).





EL PASO COUNTY, COLORADO  
**Office of the County Assessor**  
**Steve Schleiker**



August 16, 2017

Re: Mineral interest ownership for Assessor's schedule #54180-01-010.

A search of the Assessor's records found no severed mineral interest. This office would assume that the surface owner has a 100% of the minerals for Assessor's schedule #54180-01-010, also known as 6425 E. PlatteAve. The legal description for the property in question is Lot 1 Cimarron South Fil. #1 except part conveyed to State DOT by reception #200124935.

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