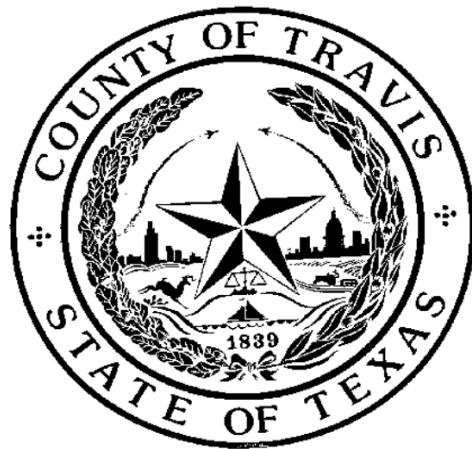


SUBDIVISION

Total / Partial Vacation of a Subdivision Plat

August 2014



A: PLAT VACATION OVERVIEW

GENERAL INFORMATION

This packet outlines the procedures and submittal requirements necessary to obtain approval of a total or partial vacation of a subdivision plat within the City of Austin planning jurisdiction. The planning jurisdiction includes the full-purpose and limited-purpose city limits, as well as the extraterritorial jurisdiction (ETJ), which extends 5 miles beyond the full-purpose city limits. The regulatory requirements and procedures for approval are defined in Volume III, Chapter 25 and Title 30 of the Code of the City of Austin, as well as Chapter 212 of the Local Government Code of the State of Texas.

Additional information about the subdivision process and code requirements can be obtained prior to submitting an application by contacting the Development Assistance Center (DAC) on the first floor of One Texas Center, 505 Barton Springs Road, phone 974-6370, or by visiting the City of Austin's Development Process and One-Stop Shop website at <http://www.austintexas.gov/department/development-assistance-center>. The City of Austin encourages people considering site development to request a development assessment to determine design requirements, project feasibility, and permitting requirements.

WHAT IS A PLAT VACATION?

A plat vacation destroys the force and effect of the prior subdivision on the subject property. A total vacation eliminates an entire subdivision plat, including all lots and public rights-of-way, as well as any restrictions that may have been contained on the plat. A partial vacation eliminates only the designated lots, public rights-of-way, and/or plat restrictions indicated in the vacation document.

Once the vacation document has been properly prepared, signed, notarized, approved and recorded, the real estate description reverts to the original survey or any underlying subdivision. A lot may not be partially vacated; the vacation must include the entire lot.

Please be advised that the Development Services Department cannot recommend approval of a vacation of a lot or plat which receives utility services unless the property is legally platted with a legal lot from a previous underlying subdivision or is concurrently replatted. To replat the property, a new subdivision application must be filed (see [application packet #9](#)) in addition to the vacation application. **Also, be aware that all plat vacations (partial or total) require the signatures of 100% of the property owners in the subdivision who own intact original lots as shown on the original plat as required by State Law per Section 212.013 of the Local Government Code. Applications will not be accepted without all of the signatures having been obtained prior to submittal for completeness check.**

WHO APPROVES PLAT VACATIONS?

Under state law, vacations must be approved in the manner that the original plat was approved. Therefore, if the original plat was approved by the City's Land Use Commission, approval by the Commission is required to vacate the plat. If the original plat was approved by the County Commissioners Court, approval by the Court is required to vacate the plat (County Commissioners Court approval is not required if the site is now located in the full purpose jurisdiction of the City). If the original plat was approved administratively, then it can be vacated by approval of the Director of the Development Services Department.

B. PLAT VACATION PROCEDURES

The procedures for review and approval of plat vacation applications are based on Volume III, Chapter 25 and Title 30 of the City of Austin Code. The process is summarized below:

Step I: DEVELOPMENT ASSESSMENT (Optional)

A person may request an assessment of a proposed development *prior* to formal submittal by contacting the Development Assistance Center (DAC). The assessment is based on the information provided by the applicant at the time that an assessment is requested. An assessment of the project includes applicable code requirements pertaining to the site and identification of major development issues. A Development Assessment application ([Application Packet #01](#)) can be submitted any work day with an appointment to the Intake Office.

Contact:

One Stop Shop – Development Assistance Center
505 Barton Springs Road, 1st floor
Austin, Texas 78704
Phone: (512) 974-6370
Fax: (512) 974-6305

STEP 2: COMPLETENESS CHECK

In order to submit an application for review, the application must be submitted for Completeness Check. The Completeness Check must be submitted to the **Intake** staff. **Completeness Check hours are from 8:30am to 10:30 am Monday- Friday.** No appointment is necessary. Intake reviews the application and pertinent information to determine if all required administrative items have been submitted. Intake then forwards it to the completeness check team, which determines whether the technical items needed for review have been submitted.

An application for completeness check must include:

- Plat Vacation Application with all required signatures and notaries (copies rather than original signatures are recommended)
- A statement as to the reason that vacation is being requested
- Subdivision Review - Completeness Check fee (check, cash, money order, or credit card): see <http://www.austintexas.gov/departments/fees>
- 2 copies of the subdivision plat
- All items listed on the completeness checklist, located in the Intake Office and available online at: http://www.austintexas.gov/sites/default/files/files/Planning/Land Use Review/IntSubmit_Subdv_Plat_Vaca.pdf

The completeness check review takes a maximum of 10 business days from the date of submittal. The applicant will be notified via email or fax whether the application is complete or additional information is required for submittal. When the application packet is approved, the plat vacation can be formally submitted for a detailed review. **The application must be submitted formally within 45 calendar days of the initial completeness check or it will expire and a new completeness check will be required.**

Contact:

One Stop Shop: Land Use Review - Intake Section
505 Barton Springs Road – 4th floor
Austin, Texas 78704
Phone: (512) 974-2681 or (512) 974-2350 or (512) 974-7208 or (512) 974-6338
Fax: (512) 974-2620

Travis County: -Transportation and Natural Resources - Development Services
411 West 13th Street, 8th floor
Austin, Texas 78767-1748
Phone: 854-9383
Fax: 854-4649

STEP 3: FORMAL SUBMITTAL REVIEW PROCESS

The next step is to submit the plat vacation application packet to Intake to start the review process. Electronic copies of the application packet are available online at:

http://www.austintexas.gov/sites/default/files/files/Planning/Applications_Forms/10_sub_vacation_app.pdf.

Applications may be submitted to Intake Monday through Friday. **An appointment is necessary. Please contact Intake at one of the numbers listed above to schedule an appointment. For submittal, the applicant will need to provide additional copies of the application along with the remaining balance of the fee (which will be listed on the completeness check response).**

A Case Manager with the City of Austin or Travis County is assigned to coordinate interdisciplinary reviews and provide

guidance on code requirements and procedures. A review team is also assigned to the project. The team reviews the plans and prepares a Master Comment Report that contains specific areas of non-compliance. The initial review of the plans by the team can take up to 28 days from the date that the plans were formally submitted. If the application complies with the provisions of the code and other applicable state and federal regulations, and Commission approval is not required, the subdivision will be approved administratively. The Master Comment Report will be sent to the applicant electronically or by fax. The Master Comment Report can also be viewed on the City of Austin website: <http://www.austintexas.gov/page/interactive-development-review-permitting-and-inspection>.

STEP 4: UPDATE

If it is determined that the application does not comply with applicable regulations after the initial review, the applicant must file an update in order to bring it into compliance. All ETJ and Limited Purpose applications require formal updates. **Contact Intake staff to schedule an appointment to submit the update.** Staff reviews the updates within 14 days of receipt, and the Case Manager will issue additional Master Reports identifying remaining items to be addressed. Updates will be required until the application is in compliance or the application expires.

Updates to the application must be filed by the applicant within 180 days after the initial application has been filed. An applicant can request an extension to the 180 day update period if the request is made prior to the 180 day deadline. The request must be made in writing and the reason for the extension should be specified. Extensions may be granted for good cause at the Director's discretion for up to 180 days. The total life of the application (including extensions) cannot exceed 360 days.

STEP 5: PLAT VACATION APPROVAL AND RECORDATION

Once all Code requirements have been met, the Case Manager will notify the applicant that the plat vacation can either be approved administratively or scheduled for Land Use Commission approval if necessary. If Commission approval is necessary, the Case Manager will inform you of the date and time of the public hearing. In addition, if the subdivision is located in Travis County in the City of Austin's extraterritorial or Limited Purpose Jurisdiction, County Commissioners Court approval may also be required after the City Land Use Commission approves the vacation.

After approval by the Land Use Commission, you will be required to submit fees for recording the vacation document. The amount is determined by the number of pages to be recorded and the check should be made payable to the county in which the vacated plat is located.

You must also submit original current County Tax certificates showing that the previous year's taxes have been paid in full. Tax certificates may be obtained from:

- Hays County: Hays County Tax Assessor Office, 102 N. LBJ Dr., San Marcos;
- Travis County: Travis Central Appraisal District, 8314 Cross Park Drive, Austin, Texas, 78754.
- Williamson County: Williamson County Tax Assessor/Collector Office, 904 S. Main St., Georgetown.
- Williamson County also requires an owner's affidavit (which can be provided by staff).

Once the staff has all the required items, including the recording fees, the vacation document is taken to the County and recorded (this usually takes 2-4 business days). Only City staff can take the document to the County or pick it up after it is recorded. When the recorded document is returned to the City, it is scanned into the AMANDA database and placed in the file. You can request a copy from the case manager.

SUBMITTAL CHECK LIST

- _____ 1. Completed Subdivision Vacation application form.
- _____ 2. Executed and notarized vacation document. (See Exhibit A) It is recommended that the vacation document be prepared by an attorney
- _____ 3. Current tax certificate(s) for lot(s) or plat to be vacated.
- _____ 4. Copy of Owner's deed(s) showing ownership of lot(s) or plat to be vacated.
- _____ 5. Six folded copies of plat to be vacated (or plat containing lot(s) to be vacated)
- _____ 6. Submittal fee

SUBDIVISION VACATION APPLICATION FORM

PROJECT INFORMATION: DEPARTMENTAL USE ONLY

FILING DATE: _____ FILE NUMBER: _____
DUE DATE: _____ CASE MANAGER: _____
APPLICATION ACCEPTED BY: _____

NAME AND LOCATION

SUBDIVISION NAME: _____
SUBDIVISION FILE NUMBER: _____
STREET LOCATION (ADDRESS): _____ AT _____ CROSS STREET
OR: _____ Distance in _____ Direction from Intersection of _____ and _____
JURISDICTION (CHECK ONE): FULL PURPOSE: _____ LIMITED PURPOSE: _____ ETJ: _____ (COUNTY: _____)
DOES THIS SITE CURRENTLY HAVE ANY OF THE FOLLOWING: ELECTRIC METER_____, WATER TAP_____, or WASTEWATER_____,
IS A REPLAT OR RESUBDIVISION APPLICATION BEING SUBMITTED CONCURRENTLY FOR THE LOT(S) BEING VACATED? YES____ NO____.
IF YES, INCLUDE THE NAME OF PROPOSED PLAT: _____

OWNER INFORMATION

OWNER NAME _____ TELEPHONE NUMBER _____
STREET ADDRESS: _____
CITY, STATE AND ZIP _____

AGENT INFORMATION

OWNER NAME: _____ TELEPHONE NO. (_____) _____
STREET ADDRESS: _____
CITY, STATE AND ZIP _____

PLAT ATTRIBUTES

DO THE LOT(S) BEING VACATED RECIEVE UTILITY SERVICE? YES / NO

SPECIFIC SERVICES AND UTILITY PROVIDER(S): WATER: _____

WASTEWATER: _____ ELECTRIC: _____

HAS ANY DEVELOPMENT OCCURRED ON THE LOT(S) BEING VACATED? YES / NO

SPECIFY TYPE OF DEVELOPMENT: _____

HAVE PARKLAND FEES BEEN PAID FOR THE LOT(S) BEING VACATED? YES / NO

HAS A LETTER OF CREDIT BEEN POSTED FOR THE LOT(S) BEING VACATED? YES / NO

WAS A RIGHT-OF-WAY DEDICATED BY THE PLAT? YES / NO

SPECIFY IMPROVEMENTS FOR WHICH THE LETTER OF CREDIT WAS POSTED:

HAVE THESE IMPROVEMENTS BEEN COMPLETED? YES / NO

HAS THE LETTER OF CREDIT BEEN RELEASED? YES / NO

IF YES PLEASE GIVE DATE: _____

EXHIBIT A

TOTAL / PARTIAL VACATION OF "SUBDIVISION NAME"

THE STATE OF TEXAS

COUNTY OF _____

WHEREAS, (_____), owner (_____)
Name of Subdivider of Existing Recorded Subdivision

_____), did heretofore
Property description as shown in dedicated statement of existing recorded subdivision plat

subdivide the same into the subdivision designated (_____), the plat of which
name of existing recorded subdivision

is recorded in Book _____, Page _____ or Document No. _____ of _____ County. Texas Plat Records,

and WHEREAS, the following lots in said subdivision are now owned by the parties indicated, to wit:

LOT _____ OWNER _____

WHEREAS, (_____) who collectively constitute the owners of all original, intact lots
list names of owners listed above

in (_____) are desirous of (partially) vacating said subdivision plat so as to destroy the
name of existing recorded subdivision

force and effect of the recording of such subdivision plat insofar and only insofar as the same pertains to Lot(s) .

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That (_____) for and in consideration of the premises and pursuant to the
names of owners listed above

provisions of Chapter 212.013 of the Local Government Code, does hereby vacate Lot(s) _____ only. Said subdivision

shall, however, remain in full force and effect as to all other lots in (_____).
name of existing recorded subdivision

EXECUTED THE DAYS HEREAFTER NOTED.

DATE

OWNER'S SIGNATURE

(Enter owner's printed name)

(Enter owner's printed name)

NOTARY STATEMENT REQUIRED FOR EACH SIGNATURE UNLESS ALL OR SOME OWNERS SIGN BEFORE THE SAME NOTARY. THE DATE OF EACH INDIVIDUAL NOTARY CERTIFICATE MUST MATCH THE DATE THAT APPEARS OPPOSITE THE OWNER'S SIGNATURE IN THE BODY OF THE DOCUMENT.

APPROVAL OF TOTAL/PARTIAL PLAT VACATION

BE IT KNOWN, that on the _____ day of _____, 20 ____, the _____ Commission of the City of Austin, at its regular meeting, did approve the total/partial vacation of the subdivision known as _____, as recorded in Book _____, Page _____, _____ County Plat Records, upon application therefore by all of the owners of all of the lots in said subdivision.

EXECUTED, this _____ day of _____, 20 ____ .

CHAIR

Commission
City of Austin
Travis County, Texas

ATTEST:

_____, Executive Secretary

Commission of the City of Austin

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to be the person whose name is subscribed to the foregoing instrument as Chairperson of the _____ Commission of the City of Austin, Texas, a municipal corporation, and she/he acknowledged to me that she/he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 20 ____ .

SEAL

Printed name _____
Notary Public in and for the State of
Texas

My commission expires: _____

STATE OF TEXAS

COUNTY OF TRAVIS

On _____, 20 _____, the Travis County Commissioners Court approved the total cancellation of the subdivision known as _____, as described above.

EXECUTED, this _____ day of _____, 20 _____.

Dana Debeauvoir, County Clerk
Travis County, Texas

By: _____
Deputy