



Vacating Plat Application Packet

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Section 101: Vacating Plat Prerequisites.

The requirements for vacating a plat is as follows:

- A. Lots that have not been sold. The proprietors of the tract may vacate the plat at any time before any lot in the plat is sold.
- B. Lots in the plat have been sold. The plat, or any part of the plat, may be vacated by all the owners of lots in the plat.

Section 102: Application Submission Requirements.

- A. Submittal of appropriate filing fees for the application. \$500.00 + recording fees + 115% for any City third-party review, as needed (this will be charged later in the process).
- B. A copy of all items in the attached Vacating Plat Checklist for Completeness Review to the satisfaction of the City. All items shall be submitted in electronic format to planninganddevelopment@ci.elgin.tx.us.

Section 103: Completeness Review.

Once items have been submitted to the City, it shall have ten (10) business days to review for completeness. Completeness shall be determined by the Administrator reviewing all items submitted under Section 104 and verifying all applicable items are present. If the Administrator determines it compliant under this review, then it moves to a submittal review. If deemed noncompliant by the Administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one (1) opportunity to submit information within six (6) calendar months of the date. Failure to meet the deadline date or address all Administrator issues within the one (1) opportunity shall expire the application. Submittal of the application for a completeness review is not regarded as an official filing of the application.

Section 104: Submittal Review.

After the application is determined complete then the items will go through a submittal review. This review is conducted by the Development Review Committee (DRC). Submittals shall be as outlined below:

- A. First (1st) submittal. The DRC shall review the first (1st) submittal within thirty (30) calendar days of the compliant completeness review and submit comments to the applicant in writing by the end of this timeframe.
- B. Response of Applicant. The applicant shall address all individual comments from the DRC by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comments have been addressed by the applicant. **If necessary, the DRC can meet with the applicant to thoroughly go through their comments, if desired and contracted by the applicant.**

- C. Second (2nd) & third (3rd) submittals. The second (2nd) and third (3rd) submittals, if needed, shall be reviewed by the DRC within thirty (30) calendar days of the applicant's submittal to the City. For these submittals, response shall be required as stated in subsection (B). **If necessary, on the second (2nd submittal) the DRC can meet with the applicant to thoroughly go through their comments, if desired and contracted by the applicant.**

- D. Scheduling of public hearing before Planning & Zoning Commission. Upon the closing of all DRC comments or reaching the third (3rd) submittal, the Plan will be scheduled for a public hearing before the Planning & Zoning Commission.

Section 105: City Request for Recorded Plat Copies.

After the item is set for a public hearing, the City will request ten (10) paper copies of the recorded 24" x 36" plat in order to place within the Staff packet. This will need to be provided by the applicant.

Section 106: Noticing & Hearing Requirements.

Applicants shall receive written notice of the location, date, and time of the Commission public hearing.

Section 107: Plat Vacation in Unincorporated Travis County.

Documentation of County approval for vacating plat must be provided to the City before it will record any plat vacation release.

Section 108: Planning & Zoning Commission Consideration.

In regard to consideration, the Commission has the option to approve, approve with conditions, deny, or continue the item upon concurrence of the applicant. Upon denial, the application expires.

Section 109: Appeals.

An appeals application must be filed with the Department within ten (10) business days from the Commission hearing date. The appeal will be heard by the City Council in a public hearing format. The Council shall affirm or reverse the Commission. The appeal will be heard by the Council within thirty (30) calendar days of filing.



CITY OF ELGIN

VACATING PLAT CHECKLIST FOR COMPLETENESS REVIEW

Subdivision Name: _____

NOTE: THE VACATING PLAT WILL NOT BE CONSIDERED COMPLETE OR FILED UNLESS THE FOLLOWING COMPLETENESS REVIEW REQUIREMENTS ARE MET. **IF AN ITEM IS MISSING FROM THE APPLICATION, THE PLAT WILL BE REJECTED FOR COMPLETENESS REVIEW.** THE CHECKLIST MUST BE COMPLETELY FILLED OUT WITH A Y (YES), N (NO) OR N/A (NOT APPLICABLE) IN EACH BLANK. THIS CHECKLIST MUST BE INCLUDED WITH THE INITIAL SUBMITTAL.

_____ Completeness review date

_____ Submittal date _____ (per submittal calendar formal submittal after everything is provided per Completeness review).

_____ Planning and Zoning Meeting date (Note: Items will not be placed on the agenda unless approval has been obtained by the City Engineer and the City Development Services Director.) _____

1. APPLICATION REQUIREMENTS

_____ Completed and signed application with owner’s original signature.

_____ Copy of deed showing current ownership. Proof of signatory authority for corporations is required.

_____ One (1) electronic version of all items on checklist emailed to the City at planninganddevelopment@ci.elgin.tx.us. Information to be forwarded onto by City to third parties after receiving it.

_____ Copy of owner’s authorization for agent giving the applicant permission to file on behalf of the owner or the signatory authority if it is a corporation. This must be submitted on letterhead.

_____ Provide a 24” x 36” copy of the current recorded plat for the area being vacated with the words “to be vacated”, with delineation lines if vacating a portion of the plat, superimposed on the applicable portions of the plat.

_____ Letter explaining the purpose of and justification for the plat vacation.

ELGIN VACATING PLAT CHECKLIST

- _____ Provide copies of all recorded utility easements (except those dedicated by plat) affecting the existing plat.
- _____ Completed, signed and acknowledged plat vacation request(s) and approval(s) from all utility providers and the approval and signature of the Public Works Director if public rights of way or easements are being vacated and the signatures of any additional entities authorized to use the easement. These requests shall be on official letterhead from the applicable entities.
- _____ Ownership and Lien Certificate dated no earlier than thirty (30) days prior to the submission of the plat.
- _____ Copy of existing deed restrictions and/or covenants.
- _____ Certification from all applicable County taxing authorities that all taxes due on the property have been paid. (Provide current Original Tax Certificate).
- _____ A tax map highlighting the subject area.
- _____ Provide plat vacation release form with **everything between these marks** completed and correct, submitted in a Microsoft Word format.
- _____ For plats within unincorporated Travis Co. documentation of County approval for vacating plat must be provided to the City before it will record any plat vacation release.

2. FEES

- _____ All associated flat fees in accordance with the fee schedule have been paid to the City. TRC to confirm with the City before completeness review. Third-party review fees will occur later in the process.

DISCLAIMER

THIS CHECKLIST IS USED BY THE ELGIN CITY ENGINEER (TRC) FOR THE REVIEW OF PROPOSED DEVELOPMENTS IN THE CITY OF ELGIN. THIS DOCUMENT DOES NOT GOVERN OVER OR SUPERSEDE ANY REQUIREMENTS OF THE CITY’S SUBDIVISION ORDINANCE OR CONSTRUCTION STANDARDS. ALL REQUIREMENTS IN THE ORDINANCE AND STANDARDS MUST BE MET BY THE DEVELOPER AND THE DEVELOPER’S ENGINEER.

SUBDIVISION REQUIREMENTS CAN BE FOUND AT:

https://library.municode.com/tx/elgin/codes/code_of_ordinances?nodeld=PTIICOOR_CH36SU_ARTIINGE

THE LATEST PARKLAND DEDICATION AND FEES ORDINANCE CAN BE FOUND AT:

https://library.municode.com/tx/elgin/ordinances/code_of_ordinances?nodeld=891710

THE COMPLETE CONSTRUCTION STANDARDS CAN BE FOUND AT:

<http://elqintx.com/DocumentCenter/View/100/Construction-Standards>

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VACATING PLAT APPLICATION

Date: _____

SITE INFORMATION

Project Address: _____

Parcel Identification Number (if no address): _____

APPLICANT

Name: _____

Postal Address: _____

E-Mail Address: _____; **Phone Number:** _____

The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.

Signature

Printed Name

Date

Project Description:



Example Plat Vacation Release Form.

THE STATE OF TEXAS §

COUNTY OF [Name of County] §

VACATION OF SUBDIVISION, TO WIT:

VACATION OF [Name of Subdivision]

RECORDED IN DOCUMENT No. [Doc. number} OR

CABINET [Cabinet Number], SLIDES [Slides Number]

OFFICIAL PUBLIC RECORDS OF [Name of County] COUNTY, TEXAS

WHEREAS, [Name of Owner], owner of [# of acres] acres of land out of the [name of survey] Survey, Abstract No. [Abstract #] situated in the City of Elgin, Texas did subdivide said [# of acres] acres of land to be known as [Name of Subdivision], and, after obtaining acceptance and approval of said Subdivision Plat by the Planning & Zoning Commission of the City of Elgin, Texas did file the plat for record in Cabinet [Cabinet #], Slides [Slides #] [or document #], of the Plat Records of [Name of County], Texas, and

WHEREAS, [Name of Owner], gained ownership of all lots within [Name of Subdivision], [Name of County], Texas, by virtue of that particular Deed dated [Date of Deed], Document No [Document #] of the Official records of [Name of County] County, Texas, and

WHEREAS, [Name of Owner], being the owner of all lots within the subdivision, now desires to vacate the Subdivision Plat in its entirety; and

WHEREAS, the City finds that no actual appropriation of any proposed conveyance shown on said Subdivision Plat by entry, use or improvement which would be disturbed by this vacation has been made, and such vacation is authorized by law, and

WHEREAS, on the [day] of [month], [year], the Planning and Zoning Commission of the City of Elgin, Texas, at its meeting, did approve the vacation of that certain subdivision plat called [Name of Subdivision], of record in Cabinet [Cabinet #], Slides [Slides #] [or document #], of the Plat Records of [Name of County], Texas, upon application thereof by [Name of Owner], the owner and proprietor of all land covered thereby, NOW THEREFORE

The Planning & Zoning Commission of the City of Elgin, Texas does by these presents hereby declare that:

The above recitals are true and correct and that the [Name of Subdivision], recorded in Cabinet [Cabinet #], Slides [Slides #] [or document #], of the Plat Records of [Name of County], Texas, to be vacated and canceled.

EXECUTED THIS THE [DAY] OF [MONTH], [YEAR].

Chair, Planning & Zoning Commission

City of Elgin, Texas.

[Name of Owner]

VACATION OF SUBDIVISION: [NAME OF SUBDIVISION]

THE STATE OF TEXAS §

COUNTY OF BASTROP §

BEFORE ME, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument as Chair of the Planning & Zoning Commission City of Elgin, Texas, a municipal corporation, and they acknowledged to me that they executed the same for the purposes and considerations therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND SEAL OF OFFICE, this ____ day, _____, 20____.

Notary Public Signature

State of Texas

THE STATE OF TEXAS §

COUNTY OF BASTROP §

BEFORE ME, the undersigned authority, on this day personally appeared [Name of Owner] known to me to be the person whose name is subscribed to the foregoing instrument and they acknowledged to me that they executed the same for the purposes and considerations therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND SEAL OF OFFICE, this ____ day, _____, 20____.

Notary Public Signature

State of Texas