

# Vacation of a Subdivision Plat

September 2, 2014



Department of Development Services  
4601 Padre Boulevard  
South Padre Island, TX 78597  
Phone. (956) 761-8112

## A: PLAT VACATION OVERVIEW

### **GENERAL INFORMATION**

This packet outlines the procedures and submittal requirements necessary to obtain approval of a vacation of a subdivision plat within the City of South Padre Island planning jurisdiction. The planning jurisdiction includes the city limits and the extraterritorial jurisdiction (ETJ). The regulatory requirements and procedures for approval are defined in Chapter 212 of the Local Government Code of the State of Texas.

LGC Sec. 212.013. VACATING PLAT.

- (a) The proprietors of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. *The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.*
- (b) If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
- (c) The county clerk shall write legibly on the vacated plat the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.
- (d) On the execution and recording of the vacating instrument, the vacated plat has no effect.

Additional information about the subdivision process and code requirements can be obtained prior to submitting an application by contacting the Department of Development Services, 4601 Padre Boulevard, South Padre Island, TX 78597, phone 956-761-8112, or by visiting the City of South Padre Island's Development Services website at <http://www.myspi.org/departments/index.php?structureid=23>.

### **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.

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 Department of Development Services 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 in addition to the vacation application. **Also, be aware that all plat vacations 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 Planning and Zoning 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 authorized staff.

## **B. PLAT VACATION PROCEDURES**

The procedures for review and approval of plat vacation applications are summarized below:

### **STEP 1: COMPLETENESS CHECK**

The formal application must be submitted to the Department of Development Services. No appointment is necessary. Staff reviews the application and pertinent information to determine if all required administrative items have been submitted. Staff then forwards it to the team, which determines whether the technical items needed for review have been submitted.

An application for completeness check must include:

- Plat Vacation Application Form (see attached);
- Plat Attributes Survey (see attached);
- Vacating of Plat Form with all required signatures and notaries (see attached);
- Laguna Madre Water District's Certification (see attached);
- Current Tax Certificate(s) for lot(s) or plat to be vacated (see attached).
- Current Title Report or Attorney's Title Opinion showing ownership of lot(s) or plat to be vacated;
- Eight folded copies of plat to be vacated (or plat containing lot(s) to be vacated);
- A short statement as to the reason that vacation is being requested; and
- \$500.00 application fee (check, cash, money order or credit card);

### **STEP 2: UPDATE INTO COMPLIANCE**

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.

### **STEP 3: PLAT VACATION APPROVAL AND RECORDATION**

Once all requirements have been met, the staff will notify the applicant that the plat vacation can either be approved administratively or scheduled for Planning and Zoning Commission approval if necessary. If Commission approval is necessary, the staff will inform you of the date and time of the public hearing. In addition, if the subdivision is located in Cameron County in the City of South Padre Island's Extraterritorial Jurisdiction, County Commissioners Court approval may also be required after the Planning and Zoning Commission approves the vacation.

After approval, you will be required to submit the vacation documents for recording with the Cameron County Clerk's Office at:

964 E. Harrison Street  
Second Floor Administration Bldg.  
P.O. Box 2178  
Brownsville, TX 78520

**PLAT VACATION APPLICATION FORM**

FILING DATE: \_\_\_\_\_

**NAME AND LOCATION**

PHYSICAL ADDRESS: \_\_\_\_\_

SUBDIVISION NAME: \_\_\_\_\_

SUBDIVISION LEGAL DESCRIPTIONS: (Current) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

JURISDICTION (CHECK ONE): CITY: \_\_\_\_\_ ETJ: \_\_\_\_\_

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 NO. (\_\_\_\_) \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY, STATE AND ZIP \_\_\_\_\_

EMAIL: \_\_\_\_\_

**AGENT INFORMATION**

NAME: \_\_\_\_\_ TELEPHONE NO. (\_\_\_\_) \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY, STATE AND ZIP \_\_\_\_\_

EMAIL: \_\_\_\_\_

## 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: \_\_\_\_\_

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: \_\_\_\_\_

**VACATING OF PLAT**

Subdivision Plat Name: \_\_\_\_\_

As owner(s) of the \_\_\_\_\_ Replat, a subdivision plat recorded in the map records of Cameron County, Texas in Cabinet \_\_\_\_\_, Pages \_\_\_\_\_, Slot \_\_\_\_\_, we by this instrument declare the subdivision plat vacated. At this time we are still the owners of all the lots and no improvements have been made within the limits of the subdivision as of this day. We will inform the regulatory agencies that approved the plat that this plat has been vacated.

Owners:

Signature

Print Name \_\_\_\_\_

THE STATE OF TEXAS  
COUNTY OF CAMERON

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the individual described in and who executed the foregoing instrument and who duly acknowledged to me that they executed the same for the purpose therein contained.

In witness whereof, I hereinto set my hand and official seal.

\_\_\_\_\_  
Notary Public in and for Cameron County  
& For the State of Texas  
My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS  
COUNTY OF CAMERON

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the individual described in and who executed the foregoing instrument and who duly acknowledged to me that they executed the same for the purpose therein contained.

In witness whereof, I hereinto set my hand and official seal.

\_\_\_\_\_  
Notary Public in and for Cameron County  
& For the State of Texas  
My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS  
COUNTY OF CAMERON

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the individual described in and who executed the foregoing instrument and who duly acknowledged to me that they executed the same for the purpose therein contained.

In witness whereof, I hereinto set my hand and official seal.

\_\_\_\_\_  
Notary Public in and for Cameron County  
& For the State of Texas  
My Commission Expires: \_\_\_\_\_

**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.**

## LAGUNA MADRE WATER DISTRICT'S CERTIFICATION

After the total cancellation of the subdivision \_\_\_\_\_,  
the subject property has existing water and sewer facilities that are in compliance with the Texas Water Code Section  
16.343, as amended and may be developed under the original plat.

\_\_\_\_\_  
CARLOS GALVAN  
GENERAL MANAGER  
LAGUNA MADRE WATER DISTRICT

\_\_\_\_\_  
DATE

PHYSICAL ADDRESS: \_\_\_\_\_

SUBDIVISION NAME: \_\_\_\_\_

SUBDIVISION LEGAL DESCRIPTIONS: (Current) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## CURRENT TAX CERTIFICATE

STATE OF TEXAS  
COUNTY OF CAMERON

The undersigned hereby certifies that all Ad Valorem taxes owed to all of the taxing units represented by the undersigned are currently paid in full for the area inside the boundaries of above subdivision, depicted hereon

Witness my hand on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED:

\_\_\_\_\_  
TONY YZAGUIRRE, JR  
ASSESSOR AND COLLECTOR OF TAXES, CAMERON COUNTY, TEXAS

APPROVED:

\_\_\_\_\_  
ASSESSOR-COLLECTOR OF TAXES  
POINT ISABEL INDEPENDENT SCHOOL DISTRICT TAX OFFICE

\_\_\_\_\_  
DATE



**APPROVAL OF PLAT VACATION**

BE IT KNOWN, that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Planning and Zoning Commission of the City of South Padre Island, at its regular meeting, did approve the vacation of the subdivision known as \_\_\_\_\_, as recorded in Cabinet \_\_\_\_\_, Pages \_\_\_\_\_, Slot \_\_\_\_\_, Cameron County Plat Records, upon application therefore by all of the owners of all of the lots in said subdivision.

APPROVED by the Planning and Zoning Commission of the City of South Padre Island, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
PLANNING AND ZONING COMMISSION CHAIR

\_\_\_\_\_  
PUBLIC WORKS DIRECTOR

THE STATE OF TEXAS  
COUNTY OF CAMERON

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the individual described in and who executed the foregoing instrument and who duly acknowledged to me that they executed the same for the purpose therein contained.

In witness whereof, I hereinto set my hand and official seal.

\_\_\_\_\_  
Notary Public in and for Cameron County  
& For the State of Texas  
My Commission Expires: \_\_\_\_\_