



## **VACATING PLAT REVIEW APPLICATION**

### **SUMMARY OF VACATING PLAT REVIEW APPLICATION REQUIREMENTS**

#### **Application Review Requirements:**

1. Meet with Development Services Staff to review the application requirements for your specific request.
2. Make sure you have everything on the attached Check List.
3. Completed application with signatures of owners and/or applicant
4. Application Fees are established in the Fee Schedule as adopted.
5. Must have the address and/or the lot, block and subdivision name or legal description of the subject property.
6. It is the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts or obligation directly attributable to said property and owed by the owner or previous owner thereof shall have been paid at the time of application submittal.
7. Submit any drawing, plans, exhibits, information about proposed uses in order to ensure that the request is understood. Development Services Staff will let you know if additional copies are needed and what size they need to be.
8. Digital set of plans will need to be copied on a usb drive and submitted with the application. The usb drive will not be returned and can contain all sets to be reviewed.
9. This application and/or payment will not be accepted if it is incomplete. Staff will not retain partial packets.

**Application must be signed by the property owner before the request can be scheduled with the Planning and Zoning Commission and City Council.**

#### **DELIVERY ADDRESS:**

DEVELOPMENT SERVICES DEPARTMENT  
CITY OF KAUFMAN  
209 S. WASHINGTON  
KAUFMAN, TEXAS 75142

**DIRECT QUESTION TO DEVELOPMENT SERVICES STAFF AT  
(972)-932-2216  
FAX NUMBER (972)-932-6288**



## VACATING PLAT CHECK LIST

ITEMS REQUIRED			
Vacating Plat Check list			
Application for Vacating Plat			
Vacating Plat Fee of \$100.00 plus \$10.00 per lot			
Tax Certificate certified by Kaufman County Tax Office showing all taxes have been paid.			
Vacating Plat			
Proposed plans to be reviewed (3 full size sets of 24"x36" and 1 set of 11"x17")			
Digital copy on a usb drive (the drive will not be returned and can contain all sets)			
Vacating Plat to be filed at Kaufman County Courthouse by staff			
Approved Plat will need to be printed in the sizes listed below.			
Size 18" x 24"	Mylar – 1 Copy	Paper – 2 Copies	
Size 22"x34"	Mylar – 1 Copy	Paper – 5 Copies	
Size 11"x17"	Mylar – Not required	Paper – 1 Copy	
All Plat sizes must be signed by the owner and notarized.			
All Plat sizes must be signed by the surveyor.			
Staff will get the signatures of the P&Z Chairman, City Secretary, Mayor or City Manager.			
All City of Kaufman engineering fees must be paid in full.			
A check made out to Kaufman County for filing fees of the plat and tax certificate.			
Kaufman County charges \$64.00 per page for each plat.			
Example: 1 page plat is \$64, 2 page plat is \$128, 3 page plat is \$192, 4 page plat is \$256, etc.			
Kaufman County charges \$26 for the 1st page and \$4 for each additional page.			
Example: 1 page tax is \$26, 2 page tax is \$30, 3 page plat is \$34, 4 page plat is \$38, etc.			
The information below is for staff regarding notifications.			
Assign case number			
Resolution or Ordinance to be filed with the plat			
City Initiated Case:			
Public hearing for city initiated cases			
Newspaper notification			
300' buffer notification			
Owner Initiated Case: VP-			
No public hearing or notification required			



## VACATING PLAT REVIEW APPLICATION

**1. Site Location:**

General Street Location: \_\_\_\_\_ PID: \_\_\_\_\_

Street Address: \_\_\_\_\_

Lot, Block, & Subdivision Name: \_\_\_\_\_

**2. Applicant:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Office #: \_\_\_\_\_ Cell #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Email Address: \_\_\_\_\_

**3. Property Owner:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Office #: \_\_\_\_\_ Cell #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Email Address: \_\_\_\_\_

**4. Summarize the proposed development. If necessary, use a separate sheet.**

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5. **Present Zoning:** \_\_\_\_\_ **Present Land Use:** \_\_\_\_\_

**Future Land Use Designation:** \_\_\_\_\_

6. **Attach:** any additional maps, exhibits, drawings or pictures necessary to help explain the request.

**7. Local Government Code 212.010 Standards for Approval**

- a. The municipal authority responsible for approving plats shall approve a plat if:
  - i. It conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
  - ii. It conforms to the general plan for the extension of the municipality and its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;
  - iii. A bond required under Section 212.0106, if applicable, is filed with the municipality; and
  - iv. It conforms to any rules adopted under Section 212.002.
- b. However, the municipal authority responsible for approving plats may not approve a plat unless the plat and other documents have been prepared as required by Section 212.0105, if applicable.

**I UNDERSTAND THAT IT IS NECESSARY FOR ME OR MY AGENT TO BE PRESENT AT BOTH THE PLANNING AND ZONING COMMISSION MEETING AND CITY COUNCIL MEETING.**

**I hereby authorize the undersigned applicant to act as my agent for the representation and/or presentation of the request.**

Applicant Name (print or type): \_\_\_\_\_

Applicant signature: \_\_\_\_\_

Owner Name (print or type): \_\_\_\_\_

Owner signature: \_\_\_\_\_

**FAILURE TO APPEAR** before the Planning and Zoning Commission or City Council for more than one (1) hearing without an approved delay by the City Manager or his designee shall constitute sufficient grounds to table or deny the request unless the City is notified at least 72 hours prior to the hearing.

**DENIALS BY THE PLANNING AND ZONING COMMISSION** shall be forwarded to City Council, along with the Commission's reasons for denial and will require a ¾ favorable vote of all members of City Council (6 votes).

**TABLED BY THE PLANNING AND ZONING COMMISSION:** The Commission may not defer its report for more than 90 days from the time it was posted on the agenda, or until it has had an opportunity to consider other proposed changes, which may have a direct bearing, unless a postponement is requested by the applicant.

Date Received \_\_\_\_\_ Date Paid \_\_\_\_\_ Receipt Number \_\_\_\_\_

**REQUIRED LANGUAGE TO BE PLACED ON THE VACATION OF SUBDIVISION PLAT**

STATE OF TEXAS §  
COUNTY OF KAUFMAN §

KNOW ALL MEN BY THESE PRESENTS:

We the undersigned, being the owner of all the lots located within the \_\_\_\_\_ Subdivision, Subdivision the City of Kaufman, Kaufman County, Texas, and being recorded in Volume/Cabinet \_\_\_\_\_, Page \_\_\_\_\_ of the Map and Plat Records of Kaufman County, Texas, on the \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_, to which reference is here made, desiring to vacate the Plat of said Subdivision, do hereby declare the same to be vacated, and said Plat of said Subdivision shall no longer be of any force and effect after vacating of said Plat has been approved by the City of Kaufman, Texas.

EXECUTED this the \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_

(Signatures of owners)

(1) \_\_\_\_\_

(2) \_\_\_\_\_

STATE OF TEXAS §  
§

BEFORE ME, the undersigned, a Notary Public in and for said State of Texas, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_, 20\_\_\_\_

CITY OF KAUFMAN, TEXAS §  
§

The vacation of the above referred to Subdivision Plat was approved by the City of Kaufman, Texas, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Manager, City of Kaufman, Texas

SIGNED & SEALED:

\_\_\_\_\_

## SETS TO BE FILED AT KAUFMAN COUNTY

2	Paper	18 x 24	1	Mylar	18 x 24
5	Paper	22 x 34	1	Mylar	22 x 34
1	Paper	11 x 17			

The fee, for filing a single page plat, at Kaufman County, is \$64.00. Additional pages of a plat, is an additional \$61.00 per page (4 page plat would be \$256.00). It is preferred to have the tax certification placed on the plat. If the tax certificate is on a separate page, please add \$24.00 for the 1<sup>st</sup> page and \$4.00 for each additional page. The required Ordinance or Resolution must be filed with the plat, please add \$24.00 for the 1<sup>st</sup> page and \$4.00 for each additional page.

You will need to have the following original signatures on all of the plat pages before it is delivered to Development Services:

1. Property Owner(s)
2. Surveyor
3. Kaufman County Tax Assessor.

**Please make your check payable to Kaufman County.** Bring the check made out to Kaufman County and all of the plat pages **signed** to Development Services. After it is brought to Development Services, the staff will obtain the signatures of the Mayor, Chairman of Planning & Zoning, and City Secretary.

Staff will take the plats and check to the courthouse, file the plats and mail you one stamped original.

### **Kaufman Subdivision Regulations:**

#### **Section 1.16 Definitions**

##### **Section 2.10: Plat Vacation**

- 2.10 a. **By Property Owner.** The property owner of the tract covered by a plat may vacate, upon the approval of the Planning and Zoning Commission and City Council, 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. **By All Lot Owners.** If some or all of the lots covered by 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. **Criteria.** The Planning and Zoning Commission and City Council shall approve the petition for vacation on such terms and conditions as are in accordance with Section 212.013 of the Texas Local Government Code, and as are reasonable to protect public health, safety and welfare. As a condition of vacation of the plat, the City Council may direct the petitioners to prepare a revised final plat in accordance with these regulations such that the property does not become "unplatted".
- d. **Effect of Action.** On the execution and recording of the vacating instrument, the vacated plat shall have no effect. Regardless of the Planning and Zoning Commission's and City Council's action on the petition, the property owner or developer will have no right to a refund of any monies, fees or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the Planning and Zoning Commission and City Council.

e. City-Initiated Plat Vacation.

1. General Conditions. The Planning and Zoning Commission and City Council, on its motion, may vacate the plat of an approved subdivision or addition when:
  - (a) No lots within the approved plat have been sold within five (5) years from the date that the plat was signed by the City;
  - (b) The property owner has breached an improvement agreement and the City is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by property owner or its successor; or
  - (c) The plat has been of record for more than five (5) years and the City determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety and/or welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.
2. Procedure. Upon any motion of the Planning and Zoning Commission or City Council to vacate the plat of any previously approved subdivision or addition, in whole or in part, the Commission shall publish notice in a newspaper of general circulation in the County. The Commission shall also provide personal notice to all property owners within the subdivision or addition and to the City Council. The notice shall state the time and place for a public hearing on the motion to vacate the subdivision or addition plat. The Commission shall recommend approval and the City Council shall approve the vacation only if the criteria and conditions cited above are satisfied.
3. Record of Notice. If the Commission and City Council approve vacating a plat, the City Secretary shall record a copy of the resolution or ordinance in the office of the County Clerk of Kaufman County with a copy of the area or plat vacated. 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. If the Commission and City Council adopt a resolution or ordinance vacating a plat in part, it shall cause a revised final plat to be recorded which shows that portion of the original plat that has been vacated and that portion that has not been vacated. On the execution and recording of the vacating instrument the vacated plat has no effect.