

# PLAT VACATION APPLICATION CHECKLIST

## APPLICANT AND PROJECT INFORMATION

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

Applicant Phone / Email: \_\_\_\_\_

Property Owner (if different): \_\_\_\_\_

Plat Name and Recording Information: \_\_\_\_\_

Project Location / Legal Description: \_\_\_\_\_

Located within: ☐ City Limits ☐ Extraterritorial Jurisdiction (ETJ)

Have any lots in the plat been sold? ☐ No ☐ Yes

This checklist identifies the information and documents required for a complete Plat Vacation application. A Plat Vacation is reviewed by staff, receives a recommendation from the Planning and Zoning Commission following a public hearing, and is decided by the City Council following a public hearing. Applications that do not meet the acceptance standards of UDC § 2.2.1.B will not be accepted for processing.

## INITIATION OF A PLAT VACATION

The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded plat in its entirety. Mark the applicable method of initiation.

|                          | Method                 | UDC          | When available                                                                                                                                                            |
|--------------------------|------------------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | By property owner      | § 2.3.11.B.1 | At any time before any lot in the plat is sold                                                                                                                            |
| <input type="checkbox"/> | By all lot owners      | § 2.3.11.B.2 | Where lots have been sold; the application must be submitted by all owners of property in the plat, with approval obtained in the manner prescribed for the original plat |
| <input type="checkbox"/> | By City Council motion | § 2.3.11.B.3 | Council-initiated; not applicant-initiated. Listed for reference only.                                                                                                    |

**A Plat Vacation vacates the plat in its entirety**, including all lots, easements, and rights-of-way. A revision to a portion of a recorded plat is processed as a Replat or an Amending Plat under UDC § 2.3.8 or § 2.3.9.

## SUBMITTAL, FEES, AND DIGITAL STANDARDS

**Submittal calendar.** New applications are accepted only on the official submittal dates shown on the City's published Development Schedule.

**Digital submittal.** The City uses MyGovernmentOnline (MGO). Combine documents under the headings shown in this checklist, flatten all PDFs, and name files for easy readability.

**Fees.** Upon acceptance, the application is converted to a project, a case number is assigned, and fees are assessed in MGO according to the adopted Fee Schedule. Notification and publication fees are assessed in addition to the application fee. All fees must be paid in full (UDC § 1.4.2.C.1). An application is not complete until the required fees have been paid. Regardless of the City Council's action, the applicant has 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 previously agreed by the City Council (UDC § 2.3.11.F.2).

**Indebtedness.** The City will not accept or review for completeness an application from a property owner owing delinquent taxes, assessments, fees, or other debt related to the subject property until the amount is paid or payment arrangements are made (UDC § 1.4.2.D).

## PLAT VACATION PROCESS

- 1. Pre-Application Meeting (UDC § 1.3).** Before filing, the owner may consult with the Planning Director and other City staff concerning compliance with all applicable ordinances and regulations.
- 2. Submittal and Completeness Review (UDC § 2.2.1.B and § 2.2.1.E).** Applications are accepted only on an official submittal date and only when accompanied by all documents required by, and prepared in accordance with, the UDC. Upon acceptance, a case number is assigned and fees are assessed in MGO. Staff reviews the submittal against this checklist and issues a written completeness determination. If the application is complete, the City issues a Certificate of Completeness and technical review begins. If the application is incomplete, the City will provide written notice specifying the necessary documents or information and the date the application will expire, issued not later than the tenth (10th) business day after the date the application is filed. Acceptance does not guarantee approval.
- 3. Expiration of an Incomplete Application (UDC § 2.2.1.E).** An application automatically expires at the close of business on the forty-fifth (45th) calendar day after the application's Official Vesting Date if the applicant fails to provide the documents or information specified in the City's written notice. The expiration date runs from the Official Vesting Date, not from the date of the deficiency notice, and is not extended by resubmittal correspondence or by the Development Schedule.
- 4. Technical Review.** Staff reviews the application for compliance with the UDC and other applicable City requirements and provides comments. The applicant may need to make changes and revisions to the application or supporting materials to satisfactorily address staff comments. If a resubmittal is not received within ninety (90) calendar days of the most recently issued staff comments, the application will be forwarded to the Planning and Zoning Commission with a staff recommendation for denial.
- 5. Public Notice (UDC § 1.4.3; Table 1.2-1).** A Plat Vacation requires public hearings before both the Planning and Zoning Commission and the City Council, with mailed, published, and posted notice.
  - a. Mailed notice. Written notice of the public hearings will be sent to all owners of real property within two hundred (200) feet of the subject property, based on the most recently approved City or County tax roll, not fewer than eleven (11) calendar days before the date of the Commission public hearing.
  - b. Published notice. Notice of the City Council public hearing will be published in a newspaper of general circulation in the City at least sixteen (16) days before the date of the hearing. Because of this requirement, there is a minimum three-week separation between the Commission and Council public hearings, and the separation may be longer depending on meeting schedules.
  - c. Posted notice. The City will post a notice sign on the subject property no later than eleven (11) calendar days before the date of the public hearing, adjacent to the abutting public or private right-of-way, with one sign on each frontage where the property abuts more than one right-of-way.
  - d. Timing. Property owner notification is not completed until all staff comments have been satisfactorily addressed and the application is ready to be placed on a Commission agenda. Resubmittals or new information submitted after property owner notification will not be included in the agenda packet for the Commission's consideration.
- 6. Planning and Zoning Commission Public Hearing and Recommendation (Table 1.2-1).** The Commission will hold a public hearing and recommend that the City Council approve, approve with conditions, or deny the Plat Vacation. The Commission may, on its own motion or at the applicant's request, defer its recommendation until it has had an opportunity to consider other information or proposed modifications that may have a direct bearing on the request. If the Commission tables the request, the tabling must specifically state the meeting date on which the request will reappear on the Commission's agenda.
- 7. City Council Public Hearing and Action (UDC § 2.3.11.D).** After a public hearing, the City Council will approve the Plat Vacation, approve it with conditions, or deny it, consistent with the manner prescribed for the original plat. Where the Council approves with conditions, the Plat Vacation is considered approved once the conditions are fulfilled, and until the conditions are fulfilled it is considered denied. The City Council's decision is final.
- 8. Retention of Right-of-Way and Easements (UDC § 2.3.11.F.4).** The City Council, at its discretion, has the right to retain all or specific portions of road right-of-way or easements shown on the plat being considered for vacation. The City Council will consider the Plat Vacation upon satisfactory conveyance of those easements or right-of-way in a separate legal document, using forms provided by the City Attorney's office.
- 9. Effect of Vacation (UDC § 2.3.11.E and § 2.3.11.F).** If the City Council adopts a resolution vacating the plat, the City will record a copy of the resolution with the County Clerk. 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. Upon execution and recording of the vacating instrument, the previous plat is no longer in effect, including all lots, easements, and rights-of-way shown on it.

# PLAT VACATION APPLICATION CHECKLIST

## REQUIRED ITEMS FOR A COMPLETE APPLICATION

| Required Item                                                                                                                                                                                                                           | UDC Citation           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| <b>A. Application Information</b>                                                                                                                                                                                                       |                        |
| <input type="checkbox"/> Signed application form and signed copy of this checklist                                                                                                                                                      | § 1.4.2.B; § 2.2.1.B.1 |
| <input type="checkbox"/> Deed(s) showing current ownership of all property covered by the plat requested to be vacated                                                                                                                  | Checklist              |
| <input type="checkbox"/> Notarized Verification of Land Ownership Form(s) for all property covered by the plat requested to be vacated                                                                                                  | § 2.3.11.B; Checklist  |
| <input type="checkbox"/> Authorization Agent Designation Form(s), for all property covered by the plat, if the applicant is other than the owner                                                                                        | § 1.4.2.A.2(ii)        |
| <input type="checkbox"/> Written consent to the plat vacation from each lienholder of the subject property (if applicable)                                                                                                              | Checklist              |
| <input type="checkbox"/> Application joined by all owners of property in the plat, where any lot in the original plat has been sold                                                                                                     | § 2.3.11.B.2           |
| <input type="checkbox"/> Current title commitment (dated within one year), title opinion letter, or other Proof of Ownership. If the title commitment is older than one year, submit a property report and nothing further certificate. | Checklist              |
| <input type="checkbox"/> Original tax certificates from each taxing unit with jurisdiction showing no amount due                                                                                                                        | § 2.2.1.B.2; § 1.4.2.D |
| <b>B. Plat Vacation Request Letter and Easement Holder Consents</b>                                                                                                                                                                     |                        |
| <input type="checkbox"/> Plat Vacation Request Letter on applicant letterhead, with signed statements of no objection from all easement holders (see template at the end of this checklist)                                             | Checklist              |
| <input type="checkbox"/> City of Bee Cave City Engineer                                                                                                                                                                                 | Checklist              |
| <input type="checkbox"/> City of Bee Cave Planning and Development Director                                                                                                                                                             | Checklist              |
| <input type="checkbox"/> Austin Energy                                                                                                                                                                                                  | Checklist              |
| <input type="checkbox"/> WTCPUA or WCID-17, as applicable                                                                                                                                                                               | Checklist              |
| <input type="checkbox"/> Gas provider (if applicable)                                                                                                                                                                                   | Checklist              |
| <input type="checkbox"/> Telecommunications providers (if applicable)                                                                                                                                                                   | Checklist              |
| <input type="checkbox"/> Travis County (if the plat is in the ETJ)                                                                                                                                                                      | Checklist              |
| <input type="checkbox"/> Any other easement holder of record                                                                                                                                                                            | Checklist              |
| <b>C. Plat, Vacating Instrument, and Conveyances</b>                                                                                                                                                                                    |                        |
| <input type="checkbox"/> Copy of the recorded plat proposed to be vacated, with recording information                                                                                                                                   | Checklist              |
| <input type="checkbox"/> Exhibit depicting the boundaries of the plat proposed to be vacated, suitable for use in preparing the property owner notification                                                                             | Checklist              |
| <input type="checkbox"/> Draft signed and acknowledged instrument declaring the plat vacated, prepared in the form prescribed for the original plat                                                                                     | § 2.3.11.F.3           |
| <input type="checkbox"/> Proposed conveyance of any right-of-way or easements the City Council elects to retain, by separate legal instrument on forms provided by the City Attorney's office (if applicable)                           | § 2.3.11.F.4           |
| <b>D. Public Notice</b>                                                                                                                                                                                                                 |                        |
| <input type="checkbox"/> Certified list of all owners of real property within two hundred (200) feet of the subject property, based on the most recently approved City or County tax roll                                               | § 1.4.3.A.1            |
| <input type="checkbox"/> Notification and publication fees per the adopted Fee Schedule                                                                                                                                                 | § 1.4.2.C.1            |
| <b>E. Fees and Digital Standards</b>                                                                                                                                                                                                    |                        |
| <input type="checkbox"/> Application fees paid in full per the adopted Fee Schedule, assessed in MGO upon acceptance                                                                                                                    | § 1.4.2.C.1            |
| <input type="checkbox"/> PDF flattening, file naming, and document grouping in accordance with the MGO submittal standards and the headings of this checklist                                                                           | Checklist              |

Items marked "Checklist" are administrative submittal requirements adopted by the Planning Director under UDC § 1.4.2.B.1 and § 1.4.2.B.3.

# PLAT VACATION APPLICATION CHECKLIST



## CERTIFICATION OF APPLICATION CHECKLIST

I hereby attest that I prepared this application and checklist and that all information shown hereon is correct and complete to the best of my knowledge. I acknowledge that an incomplete application will expire at the close of business on the forty-fifth (45th) calendar day after the application's Official Vesting Date if the deficiencies identified in the City's written notice are not addressed by that date. I further acknowledge that the vacation of this plat vacates the subdivision in its entirety, including all lots, easements, and rights-of-way, and that no fees are refundable regardless of the City Council's action.

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Signature

Name (printed)

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Title

Date

# PLAT VACATION APPLICATION CHECKLIST

## TEMPLATE PLAT VACATION REQUEST – TO BE COMPLETED ON APPLICANT’S LETTERHEAD

*Date*

Chair, Planning and Zoning Commission  
City of Bee Cave, Texas

RE: Proposed vacation of **BLOCK, LOTS, PLAT NAME**, pursuant to UDC Section 2.3.11.

Dear Chairperson:

The purpose of this request is to vacate **BLOCK, LOTS, PLAT NAME**, as recorded in Document No. \_\_\_\_\_, Official Public Records of Travis County, Texas. After a thorough examination, the respective suppliers of utility services have no objection to this vacation and understand that the vacation of this plat vacates the subdivision in its entirety, including all lots, easements, and rights-of-way, and have indicated their agreement by signing below. Thank you for considering this request.

Sincerely,

\_\_\_\_\_  
Applicant

***I have reviewed the above proposal for utility service purposes and street right-of-way requirements, and I have no objection to the vacation of the entire plat, including all easements and rights-of-way.***

\_\_\_\_\_  
Name Phone  
Austin Energy

\_\_\_\_\_  
Name Phone  
Telecommunications Provider

\_\_\_\_\_  
Name Phone  
Gas Provider (if applicable)

\_\_\_\_\_  
Name Phone  
WTCPUA / WCID-17 (as applicable)

\_\_\_\_\_  
Name Phone  
Travis County (if applicable)

\_\_\_\_\_  
Name Phone  
Other easement holder (as applicable)

\_\_\_\_\_  
Name Phone  
City of Bee Cave City Engineer

\_\_\_\_\_  
Name Phone  
City of Bee Cave Planning and Development Director

*Add additional signatories as necessary.*