

City of El Campo Planning Department
Application for Vacation or Closure of Street or Alley Right-Of-Way or Public Access Easement

1. Request:

- a. Street R.O.W. (Name): _____ Vacate Close
- b. Alley R.O.W. (Location): _____ Vacate Close
- c. Public Access Easement (Location): _____ Vacate Only

2. Subdivision Name _____

Affected Block and Lot Numbers _____

3. Length (feet) _____ **Width** (feet) _____ **Area** (square feet) _____

4. End Points: From _____ to _____

5. Location: Wharton CAD 13 Digit Identification Number: _____

6. Applicant _____ Date _____
(Print name)

(Signature) Phone () _____

E-Mail _____ Fax () _____

Address _____ City _____ State _____ Zip _____

7. Agent/Consultant _____ Phone () _____
(Print firm name)

(Print representative name) (Signature) Fax () _____

E-Mail _____ Fax () _____

Address _____ City _____ State _____ Zip _____

8. Method by Which the City Originally Acquired the R.O.W. or Access Easement

- Plat Dedication / Donation
- City Purchase
- Obtained Through Prescription

Plat or other recorded instrument must be attached to application.

9. Existing Physical Improvements within the R.O.W. or Access Easement

a. Surface or above grade:

- None
- Telephone
- Fences / Walls
- Paving
- Electric
- Cable
- Curb & Gutter
- Structures (describe) _____
- Other _____

b. Underground/below grade:

- | | | | |
|--------------------------------|------------------------------------|---|----------------------------------|
| <input type="checkbox"/> None | <input type="checkbox"/> Telephone | <input type="checkbox"/> Electric | <input type="checkbox"/> Unknown |
| <input type="checkbox"/> Water | <input type="checkbox"/> Sewer | <input type="checkbox"/> Storm Drainage | |
| <input type="checkbox"/> Cable | <input type="checkbox"/> Gas | <input type="checkbox"/> Other _____ | |

10. Intended Use of the Vacated R.O.W. or Access Easement

Describe Use (e.g. yard, parking, type of development, etc.) _____

11. Signatures of Adjoining Property Owners

Signatures of all owners of properties that adjoin the easement to be vacated or closed must appear below. Include an adequate legal description of said properties (*attach additional sheet(s) if necessary*).

<u>Printed Name & Signature</u>	<u>Telephone No.</u>	<u>Legal Description (Lot, Block & Addition)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

12. Required Exhibits (To be submitted with this application)

- 3 copies (11"x17") **exhibit map** clearly depicting location, dimensions and extent of R.O.W. or public access easement to be vacated or closed. Map must be legible. Electronic submittals accepted.
- 3 copies certified **metes & bounds** legal description of subject easement. Electronic submittals accepted.
- Original **plat, separate instrument, or deed** recording easement dedication. Electronic submittals accepted.

Instructions for Vacation or Closure of Street or Alley Right-Of-Way OR Public Access Easement

Definitions

Vacation: Permanent abandonment. Applications require approval by the City P&Z Commission and City Council. Various City departments and public utility companies having a vested interest in the right-of-way or access easement review the application to make appropriate recommendations to these bodies. A replat by the applicant is required and will be filed with Wharton County.

Closure: Physical closure only at each terminal end. Applications for closure require approval by the City P&Z Commission and the City Council. The City Council may stipulate the duration of the closure and may reverse the closure at any time. The applicant is responsible for physically closing the street or alley per City guidelines.

Submittal Requirements

- A non-refundable **application fee of \$200.00** for street/alley vacations or closures, or for public access easement vacation is due upon acceptance of this application and all required documents.
- **Metes & bounds** description sealed by a Registered Professional Land Surveyor with documentation of adjacent property ownership.
- **Exhibit map** of a convenient size, sealed by a Registered Professional Land Surveyor.
- A copy of the **original deed or plat** documenting the dedication or conveyance of the street or alley. This enables staff to determine if the City is able to waive the payment of fair market value for the property.
- **Signatures** from all adjacent property owners served by the street, alley, or access easement.
- If the City of El Campo is the owner of the underlying property or any adjacent property, the applicant will be required to pay for an **appraisal** ordered by City staff and pay fair market value for the City's property.
- Notation on the application of any existing **physical improvements**. If these improvements were installed by the City, reimbursement for the un-depreciated portion of the assets will be required of the applicant.
- Upon approval by the City P&Z Commission of a vacation, an acceptable **replat** and a notarized **quitclaim deed**, if applicable, per the attached example on page 4.

After receipt of the completed application and attachments, the City of El Campo Planning Department has 10 working days to distribute the documents to appropriate City staff and receive comments on the vacation or closure. The applicant will then be notified of the date of the scheduled City P&Z Commission hearing. Upon approval of a street or alley vacation by the City P&Z Commission, the applicant must submit a replat application with all required documentation and application fees. The replat must be sealed by a Registered Professional Land Surveyor. After the applicant has cleared all City comments on the replat, staff will schedule the vacation for hearing by the El Campo City Council. Upon approval by the City Council, the Planning Department will notify the applicant and the applicant will file all requisite documentation with Wharton County.

Quitclaim Deed

Date:

Grantor:

Grantor's Mailing Address: [include county]

Grantee:

Grantee's Mailing Address: [include county]

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration

Property (including any improvements): (Insert legal description (metes and bounds) and attach survey as Exhibit A.)

For the Consideration, Grantor quitclaims to Grantee all of Grantor's right, title, and interest in and to the Property, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Neither Grantor nor Grantor's heirs, successors, or assigns will have, claim, or demand any right or title to the Property or any part of it.

When the context requires, singular nouns and pronouns include the plural.

Grantor Signature _____ Date _____
Name and Title _____

Grantee Signature _____ Date _____
Name and Title: _____

STATE OF TEXAS §
COUNTY OF _____ §
This instrument was acknowledged before me on _____ *Date* _____ by
_____ *Grantor* _____.

Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF _____ §
This instrument was acknowledged before me on _____ *Date* _____ by
_____ *Grantee* _____.

Notary Public, State of Texas