



TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 525**
Remaining Portions under Five Acres

DATE: February 26, 2010/*Revised August 1, 2014*

CREATED BY: Land Development Division/Land Entitlements Section

Purpose:

As a customer service initiative, the Development Services Department (DSD) created this **revised** bulletin to update Information Bulletin (IB) 525 on the requirements for property owner's remaining portions under five acres. This bulletin has been updated to incorporate the department's new format for Information Bulletins.

Scope:

State Law Section 212.004 of the Local Government Code LGC requires a property owner to file a plat any time land is subdivided into portions of property five acres or smaller. To ensure compliance with State Law, it is recommended that you review your existing (currently under review) and future projects to make sure that they do not include any unplatted (remaining) portions that are five acres or less. Plats will not be considered for approval if there is unplatted land adjacent to a proposed platted lot that leaves an unplatted portion five acres or smaller and has the same owner. There are no provisions for variances associated with this requirement.

For your review, I have enclosed the applicable provision of State Law below and underlined the pertinent portions for clarification.

The TEXAS LGC states as follows:

Sec. 212.004. PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a

metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

Should you have any question concerning this process, please contact the Land Entitlements Section at (210) 207-1111.

Summary:

This Information Bulletin is for informational purposes only.

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