



CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
P.O. BOX 839966 | SAN ANTONIO TEXAS 78283-3966



TO: Development Services Customers

SUBJECT: **Information Bulletin 548**
Replat Without Vacating Process

DATE: July 23, 2013/*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) 548 on the replat without vacating process. This bulletin has been updated to incorporate the department's new format for Information Bulletins.

The Replat without Vacating Process, IB establishes and clarifies the review process for Replats without Vacating within the municipal boundary of the City of San Antonio and its extraterritorial jurisdiction (ETJ). It provides another option in the replatting process.

Scope:

Background:

As a result of recent changes in Texas Local Government Code 212.0146, a property owner may opt to replat their property without vacating the preceding plat under certain circumstances. The circumstances are below:

- (1) the replat is signed and acknowledged by each owner and only the owners of the property being replatted;
- (2) the municipal authority responsible for approving plats holds a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard;
- (3) the replat does not amend, remove, or violate, or have the effect of amending, removing, or violating, any covenants or restrictions that are contained or referenced in a dedicatory instrument recorded in the real property records separately from the preceding plat or replat;

(4) the replat does not attempt to amend, remove, or violate, or have the effect of amending, removing, or violating, any existing public utility easements without the consent of the affected utility companies; and

(5) the municipal authority responsible for approving plats approves the replat after determining that the replat complies with this subchapter and rules adopted under Section 212.002 and this section in effect at the time the application for the replat is filed.

Should an applicant meet the criteria noted above and any other UDC requirements, the applicant will be able to replat their property without having to comply with an associated vacate process. Applicants may still be required to vacate and replat should they not meet the necessary requirements noted above, or an applicant can choose to vacate and replat under other applicable UDC provisions despite being eligible under these criterion. If a vacate and replat is required, all current property owners in the original subdivision plat will need to sign and notarize a Vacating Declaration.

All property owners will be required to include Exhibit A as part of their plat application documenting that the proposed replat does not amend, remove or violate, or have the effect of amending, removing, or violating any covenants or restrictions that are contained or referenced in a dedicatory instrument recorded in the real property records separately from the preceding plat or replat, and/or the replat does not attempt to amend, remove, or violate, or have the effect of amending, removing, or violating, any existing public utility easements without the consent of the affected utility companies.

For additional information regarding this IB, please contact the Land Entitlements Section at (210) 207-1111.

Summary:

This Information Bulletin is for informational purposes only.

Prepared by: Elizabeth Carol, Principal Planner

Reviewed by: Melissa Ramirez, Planning Manager

Authorized by: John Jacks, Assistant Director

Exhibit A

(date)

City of San Antonio
Development Services
Land Entitlements
1901 South Alamo
San Antonio, Texas 78204

Attn: Land Entitlements

I, _____ (your name) hereby certify that the proposed replat _____ (plat name) does not amend, remove or violate, or have the effect of amending, removing, or violating any covenants or restrictions that are contained or referenced in a dedicatory instrument recorded in the real property records separately from the preceding plat or replat. In addition, the replat does not attempt to amend, remove, or violate, or have the effect of amending, removing, or violating, any and existing public utility easements without the consent of the affected utility companies.

Property owner/Agent

State of Texas §
 §
County of Bexar §

Before me, the undersigned authority, a notary public for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this the _____ day of _____, 20_____.

(SEAL)