

Vacating Plat Reference Guide

Submittal and Recordation



PLANNING & DEVELOPMENT DEPARTMENT

This is a guide only. Each Vacating Plat may have special circumstances which are not anticipated by this guide. The City of Houston Planning Department administers the Vacating Plat as described in Local Government Code 212.013.

The code allows for the vacation of a recorded plat if the entire original subdivision is being vacated and approval is obtained from all owners within the subdivision. An approved vacating plat will return the plat to acreage.

All vacating plats must have the owner(s) signature (be notarized) and include all the appropriate certificates. For more information on dedication language, please refer to page 3.

DEADLINES

A complete electronic application and notification package (if applicable) must be received no later than 11:00 a.m. on the submittal date identified by the Planning Commission Meeting Schedule. A copy of the schedule is available on the Planning and Development Department website at www.houstonplanning.com.

SUBMITTAL REQUIREMENTS

This process requires two applications: a VP- Vacating Plat Preliminary and a VF- Vacating Plat Final. The plats should be submitted electronically via [City of Houston Plat Tracker](#). Fees should also be paid electronically via Plat Tracker. For Fee details see the [Fee Schedule](#). The following material must be provided to the Planning and Development Department prior to Planning Commission consideration of the application:

- Complete Application submitted on the online application submittal system (COH Plat Tracker) that is in compliance with the requirements and standards of Chapter 42.
- Registry Drawing (2004 version of AutoCAD)
- Original Plat to be vacated
- Title Report within 30 days
- Vacation of Subdivision Plat form* (Appendix J of Recordation Dedicatory Acknowledgements and Certifications. For convenience also provided in page 3)
- *All easements created by separate instruments or by adjacent plats cannot be abandoned by vacating plat and should be included in the Save and Except section of the Vacation of Subdivision Plat form.

REVIEW

Complete applications (VP and VF) will be reviewed by Planning staff and approved by Planning Commission prior to recordation.

RECORDATION

Mylars are not required for recordation of Vacating Plats. The recorded document will include the 8.5"x 11" Vacation of Subdivision form and copy of the original plat.

Excerpt from LOCAL GOVERNMENT CODE CHAPTER 212

Sec. 212.013. VACATING PLAT.

(a) The proprietors of the tract covered by a plat may vacate 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) If lots in 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) 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.

(d) On the execution and recording of the vacating instrument, the vacated plat has no effect.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

VACATION OF SUBDIVISION

EXAMPLE FORM

STATE OF TEXAS

COUNTY OF (name of county in which plat is located)

KNOWN ALL MEN BY THESE PRESENTS:

I (or we), (name of owner or owners if individuals) or (name of president and secretary or authorized trust officer of the company or corporation), being the sole owner(s) and proprietor(s) of the following described property in (name of city and county), Texas, to-wit:

(Provide legal description of the property including, but not limited to, the acreage, the name of the recorded subdivision, the name of the survey and abstract number, and recording references.)

Do hereby desire and declare that said plat, subdivision, and dedication thereon, be vacated and cancelled so as to convert all of said platted property to acreage tracts as same existed before such property was platted, subdivided, and recorded.

(At this point any rights-of-way, easements or any other feature established in the subdivision being vacated which will not be cancelled as a result of this vacation action should be described.)

(Provide Notary Public Acknowledgement for all signatures; refer to APPENDIX D: NOTARY PUBLIC ACKNOWLEDGEMENT FOR ALL SIGNATURES)

(Provide Certificate for Planning Commission as shown below for vacating plats)

CERTIFICATE FOR PLANNING COMMISSION

This is to certify that the Planning Commission of the City of Houston, Texas, has approved this instrument and vacation of (name of subdivision) in conformance with the laws of the State of Texas and the ordinances of the City of Houston, as shown hereon, and authorized the recording of this plat (or instrument when appropriate) this (number), day of (month), (year).

By: (Chair or Vice Chairman's signature)

Lisa M. Clark (or) M. Sonny Garza

Chair or Vice Chairman

By: (Secretary's signature)

Vonn Tran

Secretary

Affix Planning Commission Seal

VACATING PLAT CERTIFICATES TO BE INCLUDED IN FORM NOTARY PUBLIC ACKNOWLEDGEMENT FOR ALL SIGNATURES

EXAMPLE FORM

All plats

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared (name of person (s) signing the plat or instrument), (corporation titles if appropriate), known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed (add for corporations, “and in the capacity therein and herein stated, and as the act and deed of said corporation.”)

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this
(number) day of (month), (year)

(Notary Public's signature)

Notary Public in and for the State of Texas
Print Name

(Affix notary seal)

My Commission expires: (Date)

HARRIS COUNTY CLERK CERTIFICATE OF FILING

All City and Harris County plats

I, **Teneshia Hudspeth**, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 20__, at _____ o'clock __.M., and duly recorded on _____, 20--__, at o'clock __.M., and at Film Code Number _____ of the Map Records of Harris County for said county.

Witness my hand and seal of office, at Houston, the day and date last above written.

(Clerk of county court's signature)

Teneshia Hudspeth

County Clerk

Of Harris County, Texas

By: _____
Deputy

VACATING PLAT CERTIFICATES TO BE INCLUDED IN FORM (IF OUTSIDE CITY LIMITS, IN ETJ)

CERTIFICATE FOR HARRIS COUNTY ENGINEER

For all plats outside the city limits but inside Harris County

I, Milton Rahman, County Engineer of Harris County, hereby certify that the plat of this subdivision complies with all the existing rules and regulations of this office as adopted by the Harris County Commissioners' Court and that it complies or will comply with all applicable provisions of the Harris County Road Law as amended and all other Court adopted drainage requirements.

(County engineer's signature)

Milton Rahman P.E.

County Engineer

HARRIS COUNTY CLERK CERTIFICATE OF COMMISSIONERS' COURT APPROVAL

All plats outside the city limits inside Harris County

I, **Teneshia Hudspeth**, County Clerk of Harris County and ex officio clerk of the Harris County Commissioners' Court, do hereby certify that the within instrument was approved at a legally convened meeting of the Harris County Commissioners' Court held on _____, 20__ by an order entered into the minutes of the court.

(Clerk of county court's signature)

Teneshia Hudspeth

County Clerk

Of Harris County, Texas

By: _____

Deputy