



**APPLICATION FOR THE VACATION/ABANDONMENT OF A PUBLIC
RIGHT OF WAY (& CERTAIN EASEMENTS)
APPLICATION FEE: \$130**

Date _____

Name of Applicant (Property Owner) _____

Email: _____ **Phone:** _____

Address of Applicant:

Is the property part of an Economic Development Agreement? ___ **Yes** ___ **No**

Is the property located in an Empowerment Zone? ___ **Yes** ___ **No**

Is this request made pursuant to Chapter 55 of the Carrollton Code of Ordinances? ___ **Yes** ___ **No**

**Applicant Requests The Vacation/Abandonment Of Public Property* For A(n):
(choose one)**

_____ **Street/Right-of-Way**

_____ **Alley**

_____ **Easement**

Further Description Such As Entire/Partial Abandonment And Other Relevant Factors

Address and Brief Legal Description Of Property To Be Abandoned:

***Applicant Must Provide Original Plat, Deed Or Separate Instrument Conveying
Easement Or Ownership Rights To The City.**

TO THE MAYOR & CITY COUNCIL OF THE CITY OF CARROLLTON:

I, _____, the undersigned, hereby makes application for the vacation and abandonment of that portion of the _____ situated in or is adjacent to the above-named addition, and particularly described in the attached Exhibits A and B. Exhibit A is a Legal Description (metes and bounds) of the area to be abandoned. Exhibit B is a survey plat of the area to be abandoned that shows: the legal description; the record owners of abutting lots; the boundaries of all contiguous lots; the surrounding area to the nearest streets in all directions; the blocks and addition(s) in and upon which the area to be abandoned is located; and any easements or public facilities contained in or affected by the area to be abandoned.

In support of this application, the undersigned represents and warrants the following:

1. The undersigned will comply with all provisions of the Carrollton's Code of Ordinances. If abandonment is for economic development purposes and abandonment is sought pursuant to Chapter 55 Carrollton Code of Ordinances, the undersigned will also comply with the requirements of Chapter 55 of the Carrollton Code of Ordinances.
2. The consent of public utilities to such vacation and abandonment is attested to in Exhibit C, hereby attached. If abandonment is for economic development purposes and abandonment is sought pursuant to Chapter 55, existing utility easements shall remain in effect pursuant to the provision of Chapter 55.
3. The consent of all abutting property owners, or the name, address and reason such consent was not obtained, is attested to in Exhibit D, hereby attached.
4. The original plat(s), deed(s) or other separate instrument(s) recorded and conveying an interest to the City of Carrollton is hereby attached as Exhibit E.
5. The undersigned agrees to obtain an appraisal, traffic study, title search, and survey of the property upon the request of the City for such item(s). Appraisal(s) **must be included** unless the Engineering department waives the request for an appraisal. Engineering will give the

requestor a copy of the appraisal policy with the application. The undersigned is responsible for the costs of such item(s).

6. The undersigned acknowledges and agrees that there will be a cost for the right of way, and the City Council will consider the abandonment only after an agreement to purchase is approved by the City and executed by the undersigned.
7. The deed must be recorded by the undersigned in the property records of the county in which the property lies, and a copy returned to the City Attorney's Office at 1945 E. Jackson Rd. Carrollton, Texas 75006.
8. The lots affected by the abandonment must be replatted by the undersigned within 60 days of the date of abandonment by the City Council.
9. The undersigned acknowledges and agrees the value of the abandoned property will be determined by the City based on appropriate appraisal(s), comparable real estate values, and other information the City deems relevant to the value of the property.
10. An application will be deemed incomplete and rejected for any failure to submit required documents, information or fees.
11. The undersigned acknowledges and agrees costs and fees required for the processing of the application or the abandonment of the property are not refundable or reimbursable.

12. INDEMNITY OF THE CITY OF CARROLLTON

THE UNDERSIGNED WILL HOLD THE CITY OF CARROLLTON HARMLESS, AND INDEMNIFY IT AGAINST ALL SUITS, COSTS, EXPENSES, LOSSES, CLAIMS, AND DAMAGES THAT MAY ARISE OR GROW OUT OF THE VACATION AND ABANDONMENT APPLIED FOR HEREIN. SUCH INDEMNITY SHALL APPLY WHERE SUCH SUITS, COSTS, EXPENSES, LOSSES, DAMAGES, OR CLAIMS ARISE IN WHOLE OR PART FROM THE NEGLIGENCE OF THE CITY. IT IS THE INTENTION OF THE UNDERSIGNED AND THE CITY THAT THE UNDERSIGNED SHALL INDEMNIFY AND PROTECT THE CITY FROM CONSEQUENCES OF THE CITY'S OWN NEGLIGENCE, SHOULD SUCH OCCUR IN CONNECTION WITH THE VACATION AND ABANDONMENT APPLIED FOR HEREIN.

Property Owner/Applicant Signature

Date

Name of Authorized Person

Title

(Must be signed by an individual owner unless it is a corporation or association registered with the Texas Secretary of State)

THE STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day of _____, _____, personally appeared _____, known to me to be a credible person and the signer of the foregoing application; and who, after being by me duly sworn, did upon his/her oath, state that the information contained in such application is true and correct to the best of his/her knowledge and belief.

Notary Seal:

Notary Public in and for
State of Texas

EXHIBIT A
LEGAL DESCRIPTION

Attach a legal description (certified metes and bounds) of the area to be vacated and abandoned, which will be reviewed by the City Engineering Department for accuracy and closure. Any discrepancies in this description could cause a delay or a denial of the request in the review of your application.

EXHIBIT B
GRAPHIC REPRESENTATION

Attach a plat, scale drawing or other graphic exhibit (*8 ½ " X 11" PMT or "stat."*) of the easement/right of way to be vacated and abandoned in the above application, and includes the following: the legal description; the record owners of abutting lots; the boundaries of all contiguous lots; the surrounding area to the nearest streets in all directions; the blocks and addition(s) in and upon which the area to be abandoned is located; and any easements or public facilities contained in or affected by the area to be abandoned. The attached will be reviewed by the City Engineering Department. Any discrepancies or missing information could cause a delay or a denial of the request in the review of your application.

**EXHIBIT C
PUBLIC UTILITY CONSENT**

By indication below and attached letter, the public utility companies using or entitled to use that portion of the drainage and sanitary sewer easements sought to be vacated and abandoned, have granted consent to the vacation and abandonment of the property for which abandonment was requested, and described in Exhibits A & B of this Application. If no letter for any of the below listed utilities is attached, there must be an explanation for each exclusion at the bottom of this page.

NOTE: If a request for abandonment of a right of way is for economic development purposes and the abandonment is sought pursuant to Chapter 55 of the Carrollton Code of Ordinances, all existing easements shall remain in effect.

Oncor

CoServ

DWU (Dallas Water Utilities)

AT&T

Frontier

Atmos

Verizon

Water/Wastewater Division/Drainage, City of Carrollton

Other _____ (ex: traffic signals, Denton Co, TxDot, TRE)

*If a signed letter from a public utility entity is not attached a signed waiver must be attached from engineering authorizing approval of missing consent. Additional comments can be listed below in the space provided.

*Applicant must provide a letter from all of the above listed public utilities. The City may reject an application as incomplete if there is not a letter for all public utilities listed on this page.

EXHIBIT D
ABUTTING PROPERTY OWNER CONSENT

The undersigned, owners of property abutting/impacted by that portion of an area as described in Exhibits “A” and “B” of the Application to Vacate/Abandon, situated in or adjacent to_____, an addition to the City of CARROLLTON, _____ County, Texas, **DO HEREBY CONSENT** to such vacation and abandonment by the City of Carrollton, and will hold the City of Carrollton harmless and indemnify it against all suits, costs expenses and damages that may arise or grow out of such vacation and abandonment.

(a) Name: _____
Address: _____
Owner Signature: _____

(b) Name: _____
Address: _____
Owner Signature: _____

(c) Name: _____
Address: _____
Owner Signature: _____

(d) Name: _____
Address: _____
Owner Signature: _____

(e) Name: _____
Address: _____
Owner Signature: _____

List all property owners. If unable to obtain signature or consent, provide an explanation for lack of signature or consent. Attach additional pages if needed. Title check, copies of deeds or other instrument establishing conveyance must be attached as Exhibit F showing the current owners of all property contiguous to the area proposed for abandonment.

EXHIBIT E

**ORIGINAL PLAT, RECORDED DEEDS OR OTHER SEPARATE INSTRUMENTS
SHOWING CONVEYANCE OR DEDICATION TO THE CITY**

EXHIBIT F

COPIES OF RECORDED DEEDS, OR A TITLE CHECK PERFORMED BY A TITLE COMPANY, SUFFICIENTLY SHOWING CURRENT OWNERSHIP OF ALL PROPERTY CONTIGUOUS TO THE AREA PROPOSED TO BE ABANDONED