

**ARTICLE VIII.**  
**MISCELLANEOUS PLATS AND ABANDONMENTS**

**SECTION A. PURPOSE.**

The purpose of these submittals is to allow the Planning and Zoning Commission to review vacation plats and other miscellaneous separate instruments for compliance with this ordinance.  
*(Ord. No. 3301, 06/02/09)*

The purpose of the amending plat is to allow approval through administrative action in certain circumstances without review and approval by the Planning and Zoning Commission.  
*(Ord. No. 3301, 06/02/09)*

**SECTION B. AMENDING PLAT.**

1. An amending plat may be applied for if an error or omission in a previously recorded plat meets one or more of the following conditions:
  - a. To correct an error in any course or distance shown on the prior plat.
  - b. To add any course or distance that was omitted on the prior plat.
  - c. To correct an error in the description of the real property shown on the prior plat.
  - d. To indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor charged with responsibility for setting monuments.
  - e. To show the property location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat.
  - f. To correct any other type of scrivener or clerical error or omission as previously approved by the municipal authority responsible for approving plats; such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats. *(Ord. No. 3301, 06/02/09)*
  - g. To correct an error in courses and distances of lot lines between two (2) adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat.
  - h. To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement.
  - i. To relocate one (1) or more lot lines between one (1) or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that the amendment does not:

1. Attempt to remove recorded covenants or restrictions; or
  2. Increase the number of lots.
- j. To make necessary changes to the prior plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the prior plat if:
1. The changes do not affect applicable zoning and other regulations of the City; and
  2. The changes do not attempt to amend or remove any covenants or restrictions; and
  3. The area covered by the changes is located in an area that the Planning and Zoning Commission and City Council has approved, after a public hearing, as suitable for residential development.

## 2. PROCEDURE:

Formal application for amending plat approval shall be made by the subdivider to the Planning Department in the manner prescribed by the City. An application for approval of an amending plat will be placed on the staff review committee agenda, in accordance with established deadlines set for all development cases. The City Manager or Designee responsible for approving plats shall make the decision to approve or not to approve the amending plat only after the staff review committee has reviewed the application, and within thirty (30) days of submittal of an application. *(Ord. No. 3301, 06/02/09)*

The City Manager or designee responsible for approving plats may, for any reason, elect to present an amending plat to the Planning and Zoning Commission for action. The City Manager or Designee shall not disapprove the amending plat and shall be required to refer any plat which the person refused to approve to the Planning and Zoning Commission within thirty (30) days after the plat is filed. Any amending plat which is presented to the Planning and Zoning Commission shall be processed in accordance with the procedures set forth in Article III of this ordinance. *(Ord. No. 3301, 06/02/09)*

The City Manager or designee responsible for approving plats shall have no authority to grant a waiver or variance to this ordinance in approving an amending plat. Any request for a waiver or variance to this ordinance shall be considered by the Planning and Zoning Commission in accordance with Article XII of this ordinance. *(Ord. No. 3301, 06/02/09)*

## 3. VALIDITY:

An amending plat is valid from the date of City Manager or Designee approval.  
*(Ord. No. 3944, 01/14/20)*

## 4. CONTENT:

- a. An amending plat shall contain all information required for a final plat, as prescribed by Article VI of this ordinance, provided, however, that the signature block and signature of

the chairman of the Planning and Zoning Commission shall not be required. The following signature block shall appear on the amending plat:

CITY SIGNATURE BLOCK

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, this amending plat was approved by the City Manager, the Director of Development Services, or other City Manager Designee.

Signed: \_\_\_\_\_ Attest: \_\_\_\_\_  
City Secretary  
Title: \_\_\_\_\_

- b. A purpose statement and cloud depiction indicating the amendment or change on the plat.
- c. The amending plat shall be in accordance with the following additional requirements:
  - i. Shall contain a note identifying what element(s) of the plat is (are) being amended;
  - ii. Shall contain a graphic representation encircling the area of the plat being amended; and
  - iii. The words "Amending Plat" shall be shown in the title block.  
*(Ord. No. 3843, 12/05/17)*

a. An amending plat shall contain all information required for a final plat, as prescribed by Article VI of this ordinance, provided, however, that the signature block for a final plat and signature of the chairman of the Planning and Zoning Commission shall not be required. The following signature block shall appear on the amending plat:

CITY SIGNATURE BLOCK

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, this amending plat was approved by the City Manager, the Director of Development Services, or other City Manager Designee.

Signed: \_\_\_\_\_ Attest: \_\_\_\_\_  
City Secretary  
Title: \_\_\_\_\_

- b. A purpose statement and cloud depiction indicating the amendment or change on the plat.
- c. The amending plat shall be in accordance with the following additional requirements:
  - i. Shall contain a note identifying what element(s) of the plat is (are) being amended;

- ii. Shall contain a graphic representation encircling the area of the plat being amended; and
- iii. The words "Amending Plat" shall be shown in the title block.

### **SECTION C. VACATION PLAT.**

1. A vacation plat may be applied for to vacate a previously recorded plat, in accordance with the following conditions:
  - a. The owner may vacate a plat before any lots within the original subdivision are sold; or
  - b. If lots within the subdivision have been sold, the original plat or portions of the original plat may be vacated only upon the application of all of the owners of the lots within the original subdivision.

#### **2. PROCEDURE:**

Formal application for vacation plat approval shall be made by the subdivider or his or her agent in the manner prescribed by the Planning and Zoning Commission, and shall be processed and considered in accordance with Article III of this ordinance.

#### **3. VALIDITY:**

Approval of a vacation plat is valid from the date it is approved by the Planning and Zoning Commission. It shall be the applicant's responsibility to submit all required copies of the plat to the City of Carrollton in order to acquire City signatures, and to file the plat.

*(Ord. No. 3944, 01/14/20)*

#### **4. CONTENT:**

The vacation plat shall be in accordance with the final plat requirements of Article VI of this ordinance, with the following additional requirements:

- a. A note identifying what is being vacated of the original plat shall be indicated; and
- b. The words "Vacation Plat" shall be shown in the title block.

### **SECTION D. ABANDONMENTS.**

1. Abandonment of right-of-way may be applied for under the following conditions:
  - a. The request shall be initiated by an abutting property owner of the right-of-way to be abandoned.
  - b. All property owners abutting such right-of-way shall be notified by the applicant of such request by certified letter. A written response from each abutting property owner must

be received by the City prior to staff review.

- c. All public utilities must consent to the abandonment.
- d. A summary of how the City acquired the right-of-way to be abandoned shall be provided by the applicant.
- e. A certified appraisal of the value of the land to be abandoned shall be submitted to the City by the applicant. This requirement may be waived by the Director of Development Services for good cause. (*Ord. No. 3843, 12/05/17*)
- f. An explanation which identifies why the proposed use of the land to be abandoned is of more benefit to the community under private ownership than retention of the land as public right-of-way shall be provided.
- g. All property owners abutting such right-of-way must hold harmless, and indemnify the City of Carrollton against all suits, costs, expenses, and damages that may arise or grow out of such abandonment.
- h. All of the abandoned right-of-way must be purchased by the abutting property owners within six (6) months of City Council approval.
- i. A plat or replat shall be submitted to the City combining the abandoned right-of-way into the adjacent platted lots. Such plat or replat shall be submitted to the City within six (6) months of City Council approval. Abandonment of right-of-way shall not be considered complete until such plat or replat has been prepared in accordance with this ordinance, and approved by the Planning and Zoning Commission, and filed with the appropriate county.

## 2. PROCEDURE:

The City Council shall have the final authority to approve or deny an abandonment request. Applications shall be obtained from the Planning Department. Approval of an abandonment is valid for six (6) months from the date of City Council approval. Reapproval of an abandonment by the City Council may be applied for at any time subsequent to the date such abandonment becomes invalid. If the City Council should deem changes necessary in the reapproval of an abandonment in light of new or significant information or requirements, it shall so inform the applicant. (*Ord. No. 3944, 01/14/20*)

## 3. CONTENT:

The abandonment document shall be in accordance with the final plat requirements of Article VI of this ordinance, with the following additional requirements:

- a. A note identifying what is being abandoned shall be shown; and
- b. The abandonment document shall be filed for record, as an appendix to the plat or replat.

## 4. ABANDONMENT OF FIRE LANES:

- a. In instances where fire lanes are depicted on a plat of record, the owner of the property

may submit a Certificate of Abandonment to remove the fire lane from the plat. The certificate shall be submitted to the Building Official.

- b. The Certificate shall include an accurate exhibit of the proposed abandonment and reference the exact name of the plat, including volume and page number where the plat was recorded.
- c. Notwithstanding any action regarding the Certificate of Abandonment of a platted fire lane, fire lanes shall be provided in accordance with the City of Carrollton Fire Code.
- d. The Certificate of Abandonment for a fire lane shall be filed with the appropriate county clerk within six (6) months from the date of approval. (*Ord. No. 2266; 05/20/97*)

### **SECTION E. CONVEYANCE PLATS**

(*Ord. No. 3944, 01/14/20*)

1. A conveyance plat subdivides land and provides for recordation of same for the purpose of conveying property without developing the property. A conveyance plat does not constitute approval for any type of development on the property.
2. A conveyance plat may be applied for under the following conditions:
  - a. The conveyance plat is in lieu of a Final Plat to record the subdivision of property in the following instances:
    - i. To record the remainder of a tract that is larger than five (5) acres, and that is created by the final platting of the property, provided that the remainder is not intended for immediate development.
    - ii. To record the subdivision of property into parcels, five (5) acres or smaller in size, that are not intended for immediate development, provided all required public improvements exist to the City's current standards prior to approval and minimum frontage requirements are met. All public rights-of-way must be dedicated and all abutting streets and utilities must be installed and accepted by the City. Installation of on-site improvements may be delayed if development of other tracts is not affected.

### 3. PROCEDURE:

Formal application for conveyance plat approval shall be made by the subdivider or his or her agent in the manner prescribed by the Planning and Zoning Commission and shall be processed and considered in accordance with Article III of this ordinance.

### 4. VALIDITY:

Approval of a conveyance plat is valid from the date it is approved by the Planning and Zoning Commission.

## 5. CONTENT:

The conveyance plat shall be in accordance with the final plat requirements of Article VI of this ordinance, with the following additional requirements:

- a. The words "Conveyance Plat" shall be shown in the title block.
- b. The following note shall be under the notes section:

This Conveyance Plat shall not convey any rights to development or guarantee of public utilities, public or private access, or issuance of addressing and permits, without compliance with all subdivision rules and regulations and the approval and recording of a Final Plat.

**(THIS PAGE RESERVED FOR FUTURE USE)**