



Land Status Determination Application

A Land Status Determination is for an exception from platting requirements

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)
For submittal and fee information, see austintexas.gov/digitaldevelopment

Purpose

The Texas Local Government Code (TLGC), Chapter 212, Municipal Regulation of Subdivisions and Property Development, prohibits connection of utility service to any parcel of land that is not legally platted (i.e., the subdivision recorded in the county plat records) or excepted from the platting requirements of the municipality. The City of Austin’s Land Development Code (LDC) requires that subdivision approval precede site plan and building plan/permit approval. TLGC 212.004 provides for an exception to platting and Section 25-4-2 of the LDC outlines the City’s exceptions from platting requirements.

The following required submittal information provides the City with the documentation necessary to determine if the subdivision process is not required in order for the property to be served with new or additional utility service, or for development or redevelopment permits to be issued. If a property does not qualify for an exception from platting, the owner should file an application for subdivision approval.

Exceptions from Platting

§ 25-4-2 Exception from Platting Requirements

- A. The director may except a parcel of land from the requirement to plat if the director determines that the parcel existed in its current configuration before becoming subject to the City’s jurisdiction over subdivision of land.
- B. The director may except a parcel of land from the requirement to plat if the director determines that the parcel:
 - 1. contains a health or safety hazard associated with a private sewage facility or private water well or other conditions that adversely affect public health, safety or welfare;
 - 2. existed in its current configuration on August 8, 1992;
 - 3. was served by a private sewage facility or private water well on August 8, 1992;
 - 4. is located on an existing street; and
 - 5. complies with the requirements of this title for roadway frontage.
- C. The director may except a parcel of land from the requirement to plat if the director determines that the parcel:
 - 1. is five acres or less;
 - 2. existed in its current configuration on August 31, 1987;
 - 3. was receiving utility service that was authorized under the rules of the utility provider on August 31, 1987;
 - 4. is located on an existing street; and
 - 5. complies with the requirements of this title for roadway frontage.

- D. In the full-purpose limits of the city, the director may except a parcel of land from the requirement total if the director determines that the parcel:
1. is five acres or less;
 2. existed in its current configuration on January 1, 1995;
 3. was receiving utility service that was authorized under the rules of the utility provider on January 1, 1995;
 4. is located on an existing street; and;
 5. complies with the requirements of this title for roadway frontage.
- E. An applicant shall demonstrate to the director that a parcel is excepted under this section from the requirement to plat. An applicant shall provide the director with the current deed to the property, an adequate legal description, and proof of ownership.
- F. If the director excepts a parcel from the requirement to plat, the director shall certify the parcel's exception.
- G. An approval to extend or change utility service to a parcel is not a certification under this section or an approval of a plat.

§ 212.004 Plat Required

The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract into two or more parts to lay out a subdivision of the tract, including an addition to the 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 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.*

Submittal Requirements

A. Submittal Requirements for All LDC Section 25-4-2 Platting Exceptions:

1. Completed application form with applicable fee (fee payable upon acceptance of the application).
2. Complete copy of owner's current recorded warranty deed.
3. Complete copy of previous warranty deed, recorded before the grandfather/exception date, with identical legal description as current deed, if current deed does not predate the applicable grandfather/exception date.
4. A tax parcel map with the parcel to be reviewed distinctly marked.
5. Other information needed to complete the review including (but not limited to) street deeds, old recorded subdivision plats, or deeds for adjacent parcels.

Additional Submittal Requirements for Health and Safety Hazard Platting Exception {LDC 25-4-2(B)}:

A Health and Safety Hazard Letter from the appropriate county's Health Department, the Lower Colorado River Authority (LCRA), or other regulatory entity responsible for septic system and water well permitting. The letter should clearly state the nature of the health and

safety hazard and the date the property was served by the private sewage facility or private water well.

Additional Submittal Requirements for 1987 or 1995 Rule Platting Exception {LDC 25-4-2(C&D)}:

Account records or letter verifying utility service before 08/31/1987. Utility service means that the property has an electric, water, wastewater, or gas meter. Water and wastewater tap permits without a meter or utility accounts are not acceptable.

B. Submittal Requirements for TLGC 212.004 Greater Than Five Acres Platting Exception:

1. Completed application form with applicable fee (fee payable upon acceptance of the application).
2. A letter from the property owner outlining the details of the proposed subdivision, or if the division was previously made, a chronological history of those divisions with a survey map for each change in the property configuration.
3. Complete copy of owner's current recorded warranty deed.
4. A to-scale survey map showing how the property is to be divided or was divided. The map is to include bearings and distances for all property lines and gross acreage calculations for each lot.
5. Documentation of how the tracts will be served with utilities, e.g., a letter from the City of Austin's Water and Wastewater Department or other utility provider stating that utilities are directly available without an extension of main lines, and that the provider has the capacity to serve all of the proposed lots.
6. Deeds as necessary to show that the "parent tract" (the tract proposed to be subdivided) is a legal tract or lot, or is otherwise in conformance with Austin's Subdivision Regulations, and deeds for previous division(s), if applicable.
7. A copy of current tax map(s) for the "parent tract."

NOTES:

- A. If the proposed subdivision is in the City of Austin's limited-purpose city limits or extraterritorial jurisdiction (ETJ), the owner should contact the appropriate county to determine applicable county subdivision regulations.
- B. A letter of acknowledgement issued by the City of Austin under the above referenced LDC and TLGC Sections is not a permit.

Application Instructions

The application must be complete and accurate prior to submittal. Please refer to the descriptions below to ensure all information is entered correctly. Note that the application is a fillable PDF, and must first be SAVED TO COMPUTER to be completed.

All information is required (if applicable).

Determine which Process to Use

The applicant will determine which process is to be applied. Based on the process, staff will determine what information is required for submittal.

1. *Legal Tract Platting Exception* {LDC, Section 25-4-2(A)}
The property existed in its current configuration before it was subject to the City's subdivision regulations (i.e., before it came into the extraterritorial jurisdiction).
2. *Health and Safety Hazard Platting Exception* {LDC, Section 25-4-2(B)}
There is a septic system or water well that existed on the property before 08/08/1992 that

does not meet applicable health standards, connection to an organized water or wastewater system is available, and the tract meets other requirements as stated.

3. *1987 Rule Platting Exception* {LDC, Section 25-4-2(C)}
The property was served with utility service before 08/31/1987 and the tract meets other requirements as stated.
4. *1995 Rule Platting Exception* {LDC, Section 25-4-2(D)}
The property was served with utility service before 01/01/1995 and the tract meets other requirements as stated.
5. *TLGC 212.004 Greater than Five Acres Platting Exception*
All divisions of a legal tract are or have been greater than five acres, all parts abut a public street, and no new streets or utility extensions are required to serve the tracts.

Determine the Applicable Date

The applicant will verify that the property is currently within the City of Austin's subdivision jurisdiction by reviewing the most recent version of the map entitled "City of Austin Extraterritorial Jurisdictions," which is available in the Development Assistance Center reception area (located in One Texas Center, 505 Barton Springs Road), or refer to the GIS Viewer on the Development website at <http://www.austintexas.gov/GIS/DevelopmentWebMap/>. Remember that it is possible for a property to be within the electric utility service area of Austin Energy, but not within the City's subdivision jurisdiction.

1. *Grandfather (Legal Tract) Date*
The grandfather date may be determined by reviewing the map entitled "Historical City Limits and Extraterritorial Jurisdictions," which is available in the Development Assistance Center reception area. If the parcel falls outside the designated areas on this map (in the white area), a planner or associate may assist the applicant in looking up the grandfather date on the Geographic Information System (GIS). **Note:** if the parcel under consideration is a single parcel, 3 acres or greater in size, the Grandfather Date is 12/14/1972, unless the parcel came into the ETJ after that date.
2. *Health and Safety Hazard Platting Exception Date:* 08/08/1992
3. *1987 Rule Platting Exception Date:* 08/31/1987
4. *1995 Rule Platting Exception Date:* 01/01/1995
5. *TLGC 212.004 Greater than Five Acres Platting Exception:* No date

Section 1: Property Information

Geographic ID (Travis County) —OR— Tax Parcel Identification Number

The Geographic ID for Travis County is available on your tax records or can be determined from a Travis Central Appraisal District (TCAD) parcel map. See the TCAD website at <http://www.traviscad.org/>.

Examples:

- 02-3415-06-02
- 02-3415-11-16

The Tax Parcel Identification Number can be found on your tax records.

Location Address

Each parcel must have an assigned address from the City of Austin's Addressing Services. A tax parcel identification number and a legal description are required to assign an address. For assistance, call: (512) 974-2797; or email: addressing@austintexas.gov.

Subdivision Information Or Acreage Description

Provide the legal description of the parcel, which is contained in the current recorded deed for the parcel. It is sometimes attached to the deed as an exhibit.

Legal Description examples:

- Lot S, Block A, Austin Subdivision, recorded in Plat Book 55, Page 138, Travis County Plat Records
- the west 10 feet of Lot 10 and the east 40 feet of Lot 11, Block 2, Austin Subdivision
- a portion of Outlot 10, Division "O" of the Government Outlots adjoining the Original City of Austin
- 3.68 acres out of the Santiago del Valle Grant

Section 2: Deed Information

The applicant is required to provide **complete, legible copies (including all exhibits; the recorded volume and page/document number, certified if necessary; and the filed and recorded date stamp on the last page)** of the current recorded warranty deed for the property and a recorded warranty deed before the grandfather/exception date.

Complete this section of the application with the current deed information in the first section, and the "grandfathering/excepting" deed information in the second section. This information is on your deed, or is available from your title company, through the Travis Central Appraisal District website at http://www.traviscad.org/property_search.html, or the Travis County Clerk's Office at 5501 Airport Boulevard.

Sections 3 and 4: Applicant/Agent and Owner Information

Provide all requested information, including a fax number or email address if available. When the review of the application is completed, the applicant/agent or owner will be contacted at the address, telephone number, and/or fax number indicated on the application.

Section 5: Signature

Signature must be legible.

Submitting the Application

An application will be checked for completeness of the form and submittal of the minimum information required before the fee is accepted. To submittal information, please visit <http://austintexas.gov/digitaldevelopment>.

Incomplete applications will not be accepted.

Processing Time for All Platting Exceptions

After the application is accepted and the fees are paid, the review staff will contact the applicant within 14 days regarding the status of the application.

Note: Acceptance of the application does not guarantee that the parcel will be excepted from the platting requirements or that additional information will not be required.



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This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal.

All information is required (if applicable).

For Office Use Only

Grandfather/Exception Date: _____

Application Accepted By: _____

Case Manager: _____

- | | | |
|---|---|---|
| <input type="radio"/> Legal Tract (Grandfather) | <input type="radio"/> 1987 Rule Exception | <input type="radio"/> Health/Safety Exception |
| <input type="radio"/> Other | <input type="radio"/> 1995 Rule Exception | <input type="radio"/> Five-Acre Exception |

Section 1: Property Information

Geographic ID (Travis County): _____

—OR—

Tax Parcel Identification Number: _____

Location Address: _____

Subdivision Name: _____

Whole Lot #s: _____ Partial Lot #s: _____ Block #s: _____

Plat Book: _____ Page: _____ County: _____

—OR if no subdivision—

Acres: _____ Out of (survey): _____ In (county): _____

Section 2: Deed Information

Deed conveying tract to current owner is filed for Record in (if no Volume/Page, use Document No.):

Volume: _____ Page: _____ or Doc #: _____

County: _____ Date: _____

Deed pre-dating (grandfather date or exception date) is filed for Record in:

Volume: _____ Page: _____ or Doc #: _____

County: _____ Date: _____

Section 3: Applicant/Agent Information

Applicant Name: _____

Firm: _____

Applicant Mailing Address: _____

City: _____ State: _____ Zip: _____

Email: _____ Phone 1: _____ Type 1:

Phone 2: _____ Type 2: Phone 3: _____ Type 3:

Section 4: Owner Information

Same as Applicant Owner Name: _____

Firm: _____

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Email: _____ Phone 1: _____ Type 1:

Phone 2: _____ Type 2: Phone 3: _____ Type 3:

Section 5: Signature

Applicant Signature

Month

Day

Year