



The following checklist information is required to process an easement release application.

PURPOSE: An easement is a vested interest (property right) in which the city's utility has been granted by a person or entity for a specific limited purpose for the waterline, wastewater, electricity, or many other uses. An easement is on private property and not within the City's public right of way.

Application Packet

ITEMS TO BE UPLOADED:

- | | |
|--|---|
| <input type="checkbox"/> Introduction letter (cover letter) | <input type="checkbox"/> Recorded Conveyance Deed (Current Owner) |
| <input type="checkbox"/> Authorization letter, if needed | <input type="checkbox"/> Property Tax or Parcel ID tax record print out |
| <input type="checkbox"/> Easement Release Application | <input type="checkbox"/> Subdivision Plat, if easement dedicated by a plat |
| <input type="checkbox"/> Survey/Field Notes (metes and bounds with sketch) | <input type="checkbox"/> Application Fee (non-refundable, payable on AB+C portal) |
| <input type="checkbox"/> Recorded Easement Document | |

IF APPLICABLE – NEW EASEMENT DEDICATION:

- Survey/Field Notes (metes and bounds with sketch)

_____ **Introduction Letter (cover letter)** – Explaining in detail the purpose and justification for the easement release request. The letter should include the following:

- Type of easement to be released per Title of original easement dedication
- Partial or Full easement release
- Explain how the easement was dedicated to the City (i.e. by Plat or Separate Instrument)

_____ **Authorization Letter** – If applicant is not the owner of the property provide an authorization letter signed by the property owner assuring applicant has owner's permission to act on their behalf or have the owner sign the application.

_____ **Easement Release Application** – A complete application (mark "N/A" for any sections of the application that do not apply).

- For existing infrastructure within an easement, it is recommended to do a preliminary assessment with the City department to determine the release possibility.
- There could be electric, cable, gas, water, and wastewater lines under an improvement. Hitting these lines could result in injury, property damage, or pollution of the environment. Please **CALL 1-800-digtest, 8-1-1, or schedule with them online <https://www.texas811.org/>** they will come out and mark the lines for free.
- If an easement was originally dedicated to the City by one landowner and the property was subsequently subdivided or re-subdivided into multiple lots, with multiple landowners, then a release will require a separate application for each owner. In these circumstances the easement will not be released under one application.

_____ **Survey / Field Notes** – An original signed, surveyor seal or stamp, with metes and bounds description or preamble (field notes) and the accompanying sketch, see the link below for instructions to provide to your Surveyor.

_____ **Application Fee** – A **Non-Refundable** processing fee will be invoiced using Austin Build + Connect (AB+C) portal, to be paid upon initial application acceptance. This fee was established by Ordinance No. 910110-J (Section 12-1-952) and amended by 20180911-001 to be paid by all applicants, including governmental entities. Please visit <http://www.austintexas.gov/department/fees> for fee information.

_____ **Property Tax ID or Parcel ID** – This information can be found on your tax bill, or with the appropriate Appraisal District online. Please use the link below to download or print and upload the tax record.

- Travis County (512) 834-9138 <https://www.traviscad.org/property-search/>
- Williamson County (512) 390-3787 <https://search.wcad.org/>
- Hays County (512) 268-2500 <https://esearch.hayscad.com/>

_____ **Recorded Easement** – Copy of the recorded easement document to be released (i.e. Plat or Separate Instrument).

_____ **Recorded Conveyance Deed** – Copy of the recorded vesting deed documenting the current property owner (i.e. General Warranty Deed, Special Warranty Deed, etc.).

_____ **Subdivision Plat** – Copy of the recorded subdivision plat including plat notes. If the plat has been re-subdivided, please provide the following:

- A copy of the Original Recorded Plat; and
- A copy of the “Recorded” Re-subdivision

Easement Dedication

_____ **New Easement Dedication** – If a new easement is to be dedicated replacing the existing easement being released or is required as part of the release, please provide all required information per the link below. If you have a site plan you will work with your site plan manager to assist with the new dedication. Land Management within DSD can record the new easement along with the easement release document if with Travis County. Click here for the available required templates: <https://austintexas.gov/page/common-easement-and-restrictive-covenants>

_____ **Drainage Easement Dedication** – Please refer to the Land Development Code 25-7-152 (Dedication of Easements and Rights-of Way) and the Drainage Criteria Manual Section 1 (Drainage Policy) regarding general requirements for drainage easements. For assistance with researching or obtaining the above information, please contact: 3-1-1 or (512) 978-2000

Public Utility Easements in the Floodplain

_____ **Public Utility Easements in the Floodplain will NOT be released** – Please refer to Austin FloodPro at <https://www.austintexas.gov/FloodPro/> or for additional floodplain information, contact floodpro@austintexas.gov, (512) 974-2843. Please verify the floodplain status of the easement before preparing a survey or submitting an application.

S.M.A.R.T. Housing Projects

_____ **S.M.A.R.T. Housing Projects** – May be eligible for application fee waivers. Determination is based on the S.M.A.R.T. Housing Certification (Neighborhood Housing 4-10-7). Please provide the certification with the application.

Jurisdiction

_____ **Easements dedicated by Plat:**

- **City of Austin (City) FULL PURPOSE JURISDICTION.** Verify and ensure that the easement to be released lies within the City’s full purpose jurisdiction. *The application fee is non-refundable once the application is processed.*

- **Extra Territorial Jurisdiction (ETJ).** Easements within ETJ are handled by Travis County. Please contact the Travis County Transportation & Natural Resources Department at (512) 854-9383 for more information. The City cannot release these easements.

Pedernales Electric Cooperative (PEC).

- If the property is served by PEC, please contact **PEC Right of Way at (888) 554-4732**. In addition to the City’s easement release process, PEC requires the easement to be released through their process. The original PEC easement release document is required to be recorded together with the City’s easement release document. An easement release by the City alone will not be complete without PEC’s easement release document.

Amendment by Restrictive Covenants or Declaration of Easements

_____ Release of easement by Restrictive Covenants or Amendments to Restrictive Covenants or Release of Declaration of Easement, please contact 3-1-1 or (512) 974-2000.

Drainage Easement (or any Combination of Other Easements w/ Drainage)

_____ **Drainage Easement** – The Watershed Protection Department and Development Services Department **may** require the following items be submitted for review.
*Non-submittal of the following information may delay the review process **if these items are requested:***

- Provide or demonstrate the original justification for the existing drainage easement;
- Provide proof, from a licensed civil engineer, that the release of said easement will not create adverse impacts to surrounding properties;
- Provide a solution, replacement or relocation of the existing drainage and utility facility;
- Provide building plans, engineering calculations and reports, floodplain maps, site plans, and subdivision plans.

PLEASE NOTE: Easement release requests are presented to City departments and franchise holders for their review and consideration (14 business day review period). An applicant has a **Four (4) Week Deadline** to clear outstanding rejections upon the review period completion. If a written response to Land Management at LandManagement@austintexas.gov with planned intent is not received by the deadline, the file will be **TERMINATED. City will NOT place easement release requests on hold indefinitely, inactive applications will be canceled and terminated (Non-Refundable).**

City will prepare and record with the Travis County Clerk (in Travis County) easement release documents for approved applications. Applicant records easement release documents located in counties other than Travis County. **Applicant is responsible for and shall incur all cost associated with recording fees for the appropriate county.**

If you have questions, please contact the Land Management Department by emailing LandManagement@AustinTexas.gov or calling the office at (512) 978-1674.

<p><u>Submit application, upload documents & pay on:</u></p> <p>(AB+C) Austin Build + Connect - Portal</p>	<p><u>USPS Mailing Address:</u></p> <p>City of Austin – PDC DSD – Land Mgmt. P.O. Box 1088 Austin, Texas 78767</p>	<p><u>Overnight, UPS, FedEx, or Walk-in:</u></p> <p>City of Austin – PDC DSD – Land Mgmt. 6310 Wilhelmina Delco Dr. Austin, Texas 78752</p>
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Easement Release Application Land Management

Department Use Only: File no: _____ Date: _____

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

Section 1: Owner & Vesting Deed Information

If multiple owners, please attach separate sheet.

Conveyed to (Current Owner) Name: _____ (as shown on Deed)

Owner Mailing Address: _____

City: _____ County: _____ State: _____ ZIP: _____

Email: _____ Phone: _____

Conveyed by: **Special Warranty Deed** **Warranty Deed** **Deed with Vendor's Lien** **Quitclaim Deed**

Deed without Warranty Dated: _____ County Instrument Is Recorded in: _____

Document No: _____ or Volume _____ Page _____

Deed Records **Real Property Records** **Official Public Records**

Section 2: Type of Easement to Be Released

Type of Release: **Full** **Partial** Acres: _____ Sq. Ft.: _____ By: **Separate Document** or **Plat**

Type of Easement: _____

Recorded in: Document No: _____ or Volume _____ Page _____

County instrument recorded in: _____ Type: **Deed** **Real Property** **Official Public** **Plat**

Property address: _____ State: _____ ZIP: _____

Purpose for release: _____

Section 3: Property Description of Area to be Released

Legal Description: _____ Plat Page#: _____

Subdivision Name: _____ Document No.: _____

Section 4: Related Cases & Project Name (if applicable)

Existing Site Plan: **Yes** **No** File Number: _____

Subdivision Case: **Yes** **No** File Number: _____

Is this a S.M.A.R.T. Housing Project? **Yes** **No** (If Yes, attach signed certification letter from NHCD)

Name of Development Project: _____

Section 5: Applicant Information

Applicant Name: _____

Firm: _____

Applicant Mailing Address: _____

City: _____ State: _____ ZIP: _____

Email: _____ Phone: _____

The undersigned Landowner/Applicant understands that processing of this Easement Release Application will be handled in accordance with the Procedures for Requesting an Easement Release. It is further understood that acceptance of this application and fee in no way obligates the City to release the subject area.

Landowner's Signature: _____

Applicant's Signature: _____

I, _____ owner of the above referenced property, hereby authorize _____ of _____, to act as my agent, to facilitate the City of Austin processing an easement release application for property referenced above.

Landowner's Signature: _____