

Comal County

Amendment to Plat Procedure

When a property owner owns two or more contiguous platted lots and wishes to combine said lots into a single lot, the owner may either replat the property or follow the Amendment to Plat procedure.

Important: Generally, the combination of lots by Amendment to Plat is *irreversible*. Please consider that any further reconfiguration or division of the resulting lot would require the preparation of a subdivision plat in full compliance with the *Comal County Subdivision Rules and Regulations*.

Conditions

1. Comal County reserves the right to require a replat if the County determines that a replat would be most appropriate.
2. The property shall be lots or tracts that have been created by the filing and recording of a plat that is currently on record with the Comal County Clerk in the Map and Plat Records.
3. The lots or tracts shall exist in their current platted configuration as shown on a recorded plat on file with the Comal County Clerk. Lots or tracts that have been subdivided, reconfigured, amended, corrected, or otherwise modified without being approved by the Comal County Commissioners Court and filed for record with the County Clerk shall not be eligible for the Amendment to Plat procedure.
4. The Amendment to plat is only intended to combine the lots or tracts. The Amendment to Plat shall not affect the dimensions of the overall boundary, building setbacks, easements, notes, restrictions, or any other provisions shown on the recorded plat.
5. All required documents listed on *Subdivision Plat Application Form C* shall be submitted. Comal County shall not process the Amendment to Plat until all required documents have been received by the County Engineer.

Review and Approval

1. The County Engineer shall receive the required documents and recording fee and review the submission for completeness.
2. The proposed Amendment to Plat shall be sent to the appropriate county commissioner for placement on Commissioners Court's agenda to be considered for approval.
3. Upon approval by Commissioners Court, the County Clerk shall accept the fee and record the Amendment to Plat in the Real Property Records and reference it in the Map and Plat Index.

SUBDIVISION PLAT APPLICATION FORM C

For AMENDMENT TO PLAT (combination of existing platted lots only)

This section for staff use:

Table with 2 columns: Date / Time Received, Initials

Date / Time Received Initials

1. SUBDIVISION NAME: _____

Combining Lots _____, establishing Lot _____ R (Use smallest lot no.)

2. [] Inside city limits [] ETJ [] Unincorporated & outside ETJ

3. APPLICATION REQUIREMENTS

- a. Application Form C (this form) []
b. Address Request form []
c. Amendment to Plat form []
d. Lienholder Acknowledgement (original) completed by lender (OR letter stating there are no liens) []
e. Recorded Deed(s)* indicating current ownership of all lots being combined. Also submit recorded Deed(s) of Trust* or Warranty Deed(s) w/Vendor's Lien*, if property is mortgaged. []
f. Tax Certificates (original) from Tax Office, signed & sealed, showing current year's taxes paid in full []
g. Check or Money Order for recording fee (\$121.00 base fee, + \$4.00/each tax certificate) payable to Comal County Clerk (Please write driver's license no. & phone no. on check.) []

* Available from Comal County Clerk's Office, (830) 221-1230

4. CONTACTS:

Property Owner(s): _____

Email: _____ Phone: _____ Fax: _____

Address: _____

City: _____ State: _____ Zip: _____

Applicant (if different from owner(s)): _____

Email: _____ Phone: _____ Fax: _____

Address: _____

City: _____ State: _____ Zip: _____

I affirm that I have provided all the information required to accompany this Amendment to Plat application as listed above. I understand that Comal County will notify me within 10 business days of any missing documents or other information necessary to complete this application.

Owner/Applicant Signature

Date

Instructions & Answers to Frequently Asked Questions

- a. **Subdivision Plat Application Form C** – When you have gathered all the documents listed on Form C, please submit the package to the County Engineer's Office either by mail or in person. After all correct documents have been submitted, an Amendment to Plat usually takes about two weeks for approval by Commissioners Court. After approval, the County Clerk will record the Amendment to Plat and mail it to you.
- b. **Address Request Form** – Please see contact information at bottom of form for assistance.
- c. **Amendment to Plat Form**

Fill in the OWNER name(s) as written on the recorded deed(s). *Owner name(s) must be the same on each deed.* If ownership is not consistent for each lot being combined, the deed(s) will need to be updated by an attorney before applying for the Amendment to Plat. If an owner's name has changed due to marriage since a deed was executed, please provide a copy of the recorded marriage certificate.

Under LEGAL DESCRIPTION OF PROPERTY, fill in the NAME OF RECORDED SUBDIVISION (AND UNIT NUMBER, IF ANY). Example: XYZ Subdivision, Unit 1.

The RESULTING LOT NUMBER will be the lowest lot number with an R following the number. Example: Lot 1R would be the resulting lot number if combining Lots 1 and 2.

All owners must sign the Amendment to Plat form with a Notary Public present. Submit the *original* notarized form (not a copy).

- d. **Lienholder Acknowledgement** – *required if there is a mortgage or lien on any part of the property.* The lender, not the property owner, will fill out and sign the form. Please have the lender contact the County Engineer's Office for assistance, if necessary.

When you receive the notarized Lienholder Acknowledgement back from the lender (with original signatures), *submit the original* to our office with your application.

Also, please submit the corresponding recorded *Deed of Trust or Warranty Deed with Vendor's Lien*, etc. (available from the County Clerk in the courthouse annex, 150 N. Seguin Ave., New Braunfels, 830-221-1230). This will be the document that describes the terms of the mortgage, and its *County recording number* is to be entered on the Lienholder Acknowledgement form.

- e. **Deeds** are available from the County Clerk's office for a small fee.
- f. **Tax Certificates**, signed and sealed (*not* receipts or statements), are required and must show current property taxes *paid in full*. They are available at the County Tax Office (830-221-1353, cattycorner from the County Clerk's office). Please submit the original certificates (not copies).
- g. Submit a **Check or Money Order** payable to the *Comal County Clerk* for the \$121.00 plat filing fee *plus* an extra \$4.00 for each tax certificate page. Please write your driver's license and telephone numbers on your check.

Please be aware that the Amendment to Plat procedure does not release utility or other easements. (See the fine print on the Amendment to Plat form above the signature and notary blanks.) If desired, you may contact the utility companies separately to request easement releases.

If you have any questions, please contact the County Engineer's Office at the number below.



COMAL COUNTY
ENGINEER'S OFFICE

Amendment to Plat Address Request

1. PROPERTY OWNER INFORMATION (Please print or type)

Property Owner Name: _____

Property Owner's Mailing Address: _____ City: _____ State: _____ Zip: _____

Primary Phone: _____ Secondary Phone: _____ Email: _____

2. LOCATION OF PROPERTY

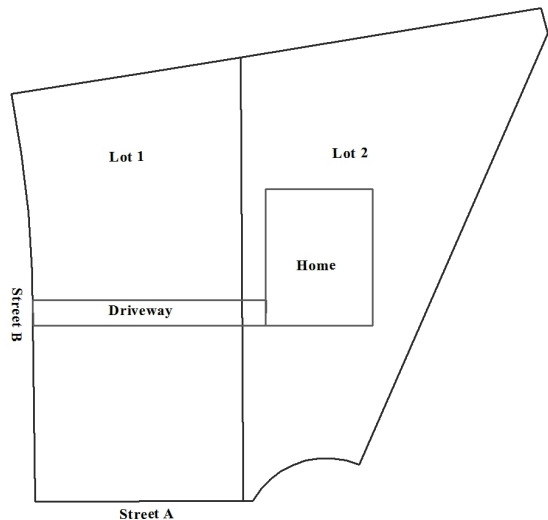
Subdivision: _____ Unit: _____ Block: _____ Lots: _____ Establishing Lot: _____

Property Tax Account Number: _____ Site Zip Code: _____ Acreage: _____

3. SITE PLAN SHOWING PROPOSED LOCATION OF STRUCTURE AND ACCESS POINT(S)

At this time plans to build have not been formed. I acknowledge in order to receive an address I am responsible for contacting the Comal County Address Coordinator once plans have been formed to build within the amended lots. Existing addresses may be deleted until a site plan has been submitted.

EXAMPLE:



DRAW PROPOSED SITE PLAN:

DISCLAIMER

This information is compiled and made available as a public service by Comal County, Texas. However, Comal County makes no warranty as to the accuracy, reliability, or completeness of the information and is not responsible for any errors or omissions or for results obtained from the use of the information. Distribution of the information does not constitute such a warranty. Use of the information is the sole responsibility of the user.

I, _____, the undersigned, have carefully reviewed this application and my answers to all questions. To the best of my knowledge, the answers are all true and correct.

SIGNATURE of Property Owner: _____ Date: _____

Questions regarding addressing, please contact the Comal County Address Coordinator:

Holly Braun
Phone: 830-608-2090
Fax: 830-643-3810
Email: braunh@co.comal.tx.us

AMENDMENT TO PLAT

OWNER(S) (as shown on deed(s)): _____

MAILING ADDRESS: _____

LEGAL DESCRIPTION OF PROPERTY:

NAME OF RECORDED SUBDIVISION PLAT (& UNIT NUMBER, if any): _____

COMAL COUNTY MAP & PLAT RECORDS VOLUME _____ PAGE _____ (or) DOC# _____

LOTS OR TRACTS TO BE COMBINED: _____ RESULTING LOT #: _____

The signatures affixed below will certify that the owner of the described property hereby amends the plat of the property so as to combine the referenced lots or tracts into a single lot or tract. The property owner acknowledges that this Amendment to Plat may not dissolve or alter any existing easements or other property interests that may exist within the boundaries of this property, and that obtaining release or permission from any owner or beneficiary of easement(s) or other property interest(s) affected by this process shall be the responsibility of the property owner. The owner also certifies that any and all lienholders have acknowledged this Amendment to Plat as per the attached Lienholder Acknowledgment(s), if applicable.

OWNER SIGNATURE

OWNER SIGNATURE

NAME PRINTED (& title, if applicable)

NAME PRINTED (& title, if applicable)

STATE OF _____

COUNTY OF _____

SWORN TO AND SUBSCRIBED before me by _____

_____ on the _____ day of _____, 20_____.

(SEAL)

NOTARY PUBLIC

APPROVED BY COMMISSIONERS COURT on the _____ day
of _____, 20_____.

COUNTY JUDGE

ATTEST:

COUNTY CLERK

FOR RECORDING PURPOSES ONLY

LIENHOLDER ACKNOWLEDGEMENT

I/We, _____,
(Mortgage company/bank name)

owner(s) and holder(s) of a lien against the property described in the plat known as

(Plat title, unit & block numbers (if any), & mortgaged lot number(s))

said lien being evidenced by instrument of record in Document No. _____
(Recording no. of Deed of Trust, Warranty Deed w/Vendor's Lien, Home Equity Loan, etc.)

of the Official Public Records of Comal County, Texas, do hereby in all things subordinate said lien to said plat, and hereby confirm that I am/we are the present owner(s) of said lien and have not assigned the same or any part thereof.

I/we acknowledge that a foreclosure of said lien will require the preparation of a subdivision plat if the foreclosure results in a division of a tract of land, pursuant to applicable state, county, and municipal regulations. I/we also acknowledge that the foreclosed tract may not comply with applicable subdivision regulations without significant modification, additional access, or other requirements.

By: _____
(Lienholder signature)

(Name and title, printed)

STATE OF _____ §

COUNTY OF _____ §

Sworn to and Subscribed before me by _____

on the _____ day of _____, 20_____.

(Notary)

(seal)

(Printed name)