COUNTY OF COMAL

SUBDIVISION PLAT APPLICATION FORM B
AMENDING PLAT

Instructions: Complete or indicate as Not Applicable (NA) all items.

SECTION I.

a. EXISTING SUBDIVISION PLAT BEING AMENDED, including recording information:

__________________________________________________________

b. PROPOSED AMENDING PLAT TITLE:

__________________________________________________________

c. Total acreage of lots: ___________________ d. Total number of lots: ___________________

e. ☐ Inside city limits ☐ ETJ ☐ Unincorporated & outside ETJ

f. WATER SYSTEM: ☐ Public (TCEQ-certified public water supply system) ☐ Individual wells

g. WASTEWATER SYSTEM: ☐ Public ☐ Individual on-site sewage facilities

h. Are you proposing a residential subdivision, manufactured housing community, multi-unit residential development, business park, or other similar structure that uses On-Site Sewage Facilities for sewage disposal? Yes _____ No _____

i. Will the proposed subdivision activity affect any existing On-Site Sewage Facilities components? Yes _____ No _____

j. If you answered "Yes" to item h or i above, please submit item d on the next page.

CONTACTS:

Property Owner(s): __________________________________________

Email: ___________________________________ Phone: _____________________________

Address: _______________________________________________________

City: ___________________ State: ___________ Zip: __________________

Applicant/Authorized Agent: _______________________________________

Email: ___________________________________ Phone: _____________________________

Address: _______________________________________________________

City: ___________________ State: ___________ Zip: __________________

Form B

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Rev. March 2019
SECTION II.

APPLICATION REQUIREMENTS

There are no review fees for this plat application. Recording fees will be calculated and collected prior to plat approval.

a. Application Form B (this form, completed and signed)  □

b. Proposed Plat--5 paper copies (18" x 24") -OR- 2 paper copies plus 1 high quality PDF copy on disk □

c. Recorded Deeds (copies) indicating current ownership of all property within plat boundary □

d. APPROVAL signed by Asst. County Engr. of Licensing Authority Recommendation for Private Sewerage Facilities application* (See items h, i, and j on previous page for conditions.) □

e. Tax Certificates-sealed by Tax Office-showing current year's taxes paid in full (ORIGINAL-no copies) □

  Additional documentation of property tax payment may be required after Sept. 1 of any given year, per Property Code § 12.002(e).

f. Lienholder Acknowledgement* (ORIGINAL-no copies) -OR- letter stating "no liens on plat property" □

g. Property Owner's Statement regarding Subdivision Covenants & Restrictions* (plus POA/HOA correspondence, if applicable) □

* Form included in application package

I affirm that I have provided all information required for my plat type and that this submission constitutes a complete plat application. I understand that within 10 business days of receipt of this application, Comal County will notify me of any missing documents and/or information necessary to complete this application. Furthermore, I consent to the online posting/public release of my email address associated with this plat application.

Owner or Authorized Agent Signature           Printed Name           Date

Comal County Engineer's Office                   Form B
Page 2 of 2                                      Rev. March 2019
Application for Licensing Authority Recommendation
for Private Sewerage Facilities for a Proposed Subdivision

Date: ____________________________ Fee Schedule:

Subdivision Name: ______________________ 5 or less tracts: $20/tract
Owner's Name: ________________________

Address: _______________________________ 6 or more tracts: $100 base fee + $5/tract
Phone #: ________________________________

Total Fee: $ ____________________________ Received by: _______________________
Make Check Payable to Comal County

According to TAC §285.4(c), persons proposing residential subdivisions, manufactured housing communities, multi-unit residential developments, business parks, or other similar structures that use OSSFs for sewage disposal shall submit planning materials, prepared by a professional engineer or professional sanitarian, for these developments to the permitting authority and receive approval prior to submitting an OSSF application:

- An overall site plan
- Topographic map
- 100-year floodplain map
- Soil survey
- Location of water wells
- Locations of easements as identified in TAC §285.91(10) (relating to Tables)
- A complete report detailing the types of OSSFs to be considered and their compatibility with area-wide drainage and groundwater
- A comprehensive drainage plan
- Edwards Aquifer requirements that are pertinent to the proposed OSSF
- If the proposed development includes restaurants or buildings with food service establishments, the planning materials must show adequate land area for doubling the land needed for the treatment units

Comal County also asks for an existing improvements sketch and gate combination(s) in order to adequately inspect the site for use of OSSFs for sewage disposal.

________________________________________
Applicant/Agent Signature

Date of Review (must be within 45 days of receipt): ____________________________

☐ Approved
☐ Denied

Reason(s) for Denial: __________________________________________________________
_______________________________________________________
_______________________________________________________
_______________________________________________________

Reviewer: ____________________________________________ D.R.

* Note: This sheet shall be first with all planning materials listed above following behind.
LIENHOLDER ACKNOWLEDGEMENT

I/We, _______________________________ (mortgagee(s)), owner(s) and holder(s) of a lien (or liens) against the property described in the plat known as _______________________________, said lien(s) being evidenced by instrument(s) of record in Document(s) No. ___________________ of the Official Public Records of Comal County, Texas, do hereby in all things subordinate to said plat said lien(s), and I/we hereby confirm that I am/we are the present owner(s) of said lien(s) and have not assigned the same nor any part thereof.

The lienholder acknowledges that a foreclosure of said lien(s) 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. The lienholder also acknowledges that the foreclosed tract may not comply with applicable subdivision regulations without significant modification, additional access, or other requirements.

By: _______________________________
    (Signature(s) of Lienholder(s))

______________________________
    (Name(s) and Title(s), printed)

STATE OF ___________________ §
COUNTY OF ___________________ §

Sworn to and Subscribed before me by ________________________________
on the ______ day of ____________________, 20____.

______________________________
    (Notary)

seal ____________________________
    (Printed name)
Property Owner’s Statement regarding
Subdivision Covenants and Restrictions

Please check the appropriate box below and enter the subdivision name.

☐ 1. I am aware that this proposed amending plat within
   ______________________________ (subdivision)
   is regulated by covenants and restrictions; AND
   • the proposed amending plat does not attempt to remove recorded covenants or restrictions; AND
   • I have attached correspondence from the subdivision’s Property/Home Owners Association confirming the above statement.

☐ 2. I am aware that this proposed amending plat within
   ______________________________ (subdivision)
   is regulated by covenants and restrictions; AND
   • the proposed amending plat does not attempt to remove recorded covenants or restrictions; AND
   • no active Property/Homeowners Association exists for said subdivision.

☐ 3. (a) This proposed amending plat is within
   ______________________________ (subdivision); AND
   • no recorded covenants or restrictions exist for said subdivision.

I affirm that the statements that I have marked above are true and correct to the best of my knowledge.

__________________________________________  __________________________
Signature of Property Owner/Authorized Agent  Date

__________________________________________
Printed name (and relationship, if not property owner)
AMENDING PLAT, Type 1, Purpose & Requirements

ORDER # 298

STATE OF TEXAS § IN THE COMMISSIONERS COURT

COUNTY OF COMAL §

ORDER ADOPTING TEXAS LOCAL GOVERNMENT CODE § 212.016(a)(9)&(b) AS AN ADDITIONAL PROCEDURE FOR PLAT REVISION

WHEREAS, Comal County regulates the revisions of plats pursuant to Texas Local Government Code Chapter 232, §232.009; and

WHEREAS, the use of the current Comal County Amendment to Plat procedure has resulted in considerable cost savings to the property owners of Comal County; and

WHEREAS, Texas Local Government Code Chapter 232, §232.009(b) states that as an alternative to the provisions in § 232.009 governing the revision of plats, a county, by order, may adopt the provisions in §212.016, governing plat amendments; and

WHEREAS, pursuant to Texas Local Government Code Chapter 212, §212.016(a)(9)&(b), the authority responsible for approving plats may approve an amending plat, for the purpose of relocating one or more lot lines between one or more adjacent lots if:

(A) the owners of all those lots join in the application for amending the plat,
(B) the amendment does not attempt to remove recorded covenants or restrictions; and
(C) the amendment does not increase the number of lots.

A notice, a hearing, and the approval of other lot owners are not required for the approval of an amending plat; and

WHEREAS, adoption of Texas Local Government Code §212.016(a)(9)&(b) will benefit Comal County property owners.

NOW, THEREFORE, BE IT ORDERED that the Commissioners Court of Comal County has considered the matter and deems it appropriate to adopt Texas Local Government Code §212.016(a)(9)&(b) as an additional procedure for plat revision.
AMENDING PLAT, Type 2, PURPOSES

Sec. 232.011 AMENDING PLAT.

(a) The commissioners court may approve and issue an amending plat, if the amending plat is signed by the applicants and filed for one or more of the following purposes:

1. to correct an error in a course or distance shown on the preceding plat;
2. to add a course or distance that was omitted on the preceding plat;
3. to correct an error in a real property description shown on the preceding plat;
4. to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
5. to correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats; or
6. to correct an error in courses and distances of lot lines between two adjacent lots if:
   (A) both lot owners join in the application for amending the plat;
   (B) neither lot is abolished;
   (C) the amendment does not attempt to remove recorded covenants or restrictions;
   (D) the amendment does not have a material adverse effect on the property rights of the other owners of the property that is the subject of the plat.

(b) The amending plat controls over the preceding plat without the vacation, revision, or cancellation of the preceding plat.

(c) Notice, a hearing, and the approval of other lot owners are not required for the filing, recording, or approval of an amending plat.

Added by Acts 2007, 80th Leg., R.S., Ch. 1390 (S.B. 1867), Sec. 1, eff. September 1, 2007.
HIGH POINT CIRCLE
(40' R.O.W.)

S 42°09'20" E 95.20' (PER PLAT) C1

L=25.40'
R=370.00'
Δ=0.035859''
C LEN=25.39'
BRG=S 34°04'37" E

Draw a cloud around new items.

S 42°09'20" E 134.60' (PER PLAT)

Lot 1173
W 325.00' (PER PLAT)

Lot 1174AP
1.003 ACRES

Lot 1175AP
1.003 ACRES

S 42°09'20" E 143.17' (PER PLAT)

Lot 1181

S 47°50'40" W 325.00' (PER PLAT)

Lot 1182

Lot 1180

Lot 1178

LOT 1173
1.000 ACRES

LOT 1174AP
1.003 ACRES

LOT 1175AP
1.003 ACRES

LOT 1181

LOT 1182

LOT 1180

LOT 1178

CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE
--- | --- | --- | --- | --- | ---
C1 | 370.00' | 35.47' | 35.47' | S 28°35'25" E | 0°09'46"
C2 | 370.00' | 156.40' | 156.40' | S 240°55'7" E | 23°27'13"

Strike or cross through items being changed.
EXAMPLE

Plat Title & Note:

AMENDING PLAT OF

MYSTIC SHORES, UNIT TEN
AMENDING LOTS 1174 AND 1175,
ESTABLISHING LOTS 1174AP
AND 1175AP

THIS AMENDING PLAT CONTROLS OVER THE
PRECEEDING PLAT, MYSTIC SHORES, UNIT TEN,
RECORDED IN VOLUME 14, PAGES 353–358 OF
THE COMAL COUNTY MAP AND PLAT RECORDS,
WITHOUT THE VACATION, REVISION, OR
CANCELLATION OF THE PRECEDEING PLAT.

LEGEND

○ = 1/2" IRON ROD SET
○ = FIND 1/2" IRON ROD
( ) = RECORD INFORMATION
C.M. = CONTROLLING MONUMENT
— \ — = ORIGINAL LOT LINE BEING CHANGED
(PER PLAT) = VOL. 14, PGS. 353–358, MAP & PLAT RECORDS, COMAL COUNTY, TEXAS

= ITEM AS AMENDED
—500.00’— = ITEM BEING AMENDED
NOTES required on Amending Plats*

1. In accordance with the Texas Local Government Code, Chapter(s) 232.0095 and/or 232.011, the purpose(s) of this Amending Plat is/are to relocate the lot line(s) between adjacent Lots ________, and/or to ________ (purpose(s) from list on next page under Chapter 232.011, if applicable).

2. Property Owner(s): ________________________________ Lot(s) ________
   Lienholder: (Name & Address, or "None")
   Deed of Trust (or Warranty Deed with Vendor’s Lien) Doc. # ________________,
   Comal County Official Public Records
   Lienholder Acknowledgment Doc. # ________________ (Leave blank, to be entered at time of plat recording.)

3. (Enter additional owner(s) & lienholder(s) information, as above, if applicable.)

4. Date of plat preparation: ________________

Place the following note prominently under the plat title:

This Amending Plat controls over the preceding plat, (Plat Title), recorded in (Volume & Page/Document#, Comal County Map & Plat Records), without the vacation, revision, or cancellation of the preceding plat.

*Notes from the plat being amended are not necessary. The original plat notes remain in effect, per the statement above.
EXAMPLE

Owner Certification:

STATE OF TEXAS:
COUNTY OF COMAL:

KNOW ALL MEN BY THESE PRESENTS:
The owner of the land shown on this plat whose name is
subscribed hereto, and in person or through a duly authorized agent,
hereby amend(s) the plat as shown.

OWNER
LEVONTE YAKIS
13150 BETHLEHEM DR. N.E.
GERVAIS, OREGON 97026

Chantel Born
OWNER'S AGENT
Chantel Born
2302 Gruene Lake Dr., Suite A
New Braunfels, Texas 78130

STATE OF TEXAS:
COUNTY OF COMAL:

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED
CHANTEL BORN, OWNER'S AGENT, Known to me to be the person whose name
is subscribed to the foregoing instrument of writing, and acknowledged
to me that he executed the same for the purposes and considerations
therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND & SEAL OF OFFICE THIS 21ST DAY OF MAY,
2015

Brenda Peff
Notary Public, State of Texas

Brenda Ritzan
Notary Public (Print Name)

BRENDA RITZEN
Notary Public, State of Texas
My Commission Expires
SEPTEMBER 23, 2015
SURVEYOR, CLERK, & COMMISSIONERS COURT CERTIFICATIONS

STATE OF TEXAS
COUNTY OF COMAL

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

__________________________
RICHARD A. GOODWIN
REGISTERED PROFESSIONAL LAND SURVEYOR #4089
SHERWOOD SURVEYING, LLC.
P.O. BOX 992
SPRING BRANCH, TEXAS 78070

_________________________________ 
SWORN TO AND SUBSCRIBED BEFORE ME THIS THE ___ DAY OF ___________________, A.D., 20__.

______________________________
NOTARY PUBLIC, STATE OF TEXAS

______________________________
NOTARY PUBLIC (PRINT NAME)

STATE OF TEXAS
COUNTY OF COMAL

I, BOBBIE KOEPP, COUNTY CLERK OF COMAL COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE ___ DAY OF ___________________, A.D., 20__, AT _____ M. AND DULY RECORDED THE ___ DAY OF ___________________, A.D., 20__.

________________________________
IN THE RECORDS OF MAPS AND PLATS IN SAID OFFICE, OF SAID COUNTY, IN DOCUMENT # ___________________________ IN TESTIMONY WHEREOF WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS ___ DAY OF ___________________, A.D., 20__.

COUNTY CLERK
COMAL COUNTY, TEXAS

BY: ______________________________

______________________________
DEPUTY

AMENDING PLAT OF EAGLES PEAK RANCH, UNIT NO. TWO, AMENDING LOTS 163, 164, AND 165, ESTABLISHING LOTS 163AP AND 165AP;

THIS HAS BEEN SUBMITTED TO AND CONSIDERED BY THE COMMISSIONERS COURT OF COMAL COUNTY, TEXAS AND IS HEREBY APPROVED FOR FILING

DATED THIS ___ DAY OF ___________________, A.D., 20__.

________________________________
BY: ______________________________
COUNTY JUDGE

ATTEST: ______________________________
COUNTY CLERK – DEPUTY