

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.

COUNTY OF COMAL

COUNTY ENGINEER'S OFFICE

SUBDIVISION PLAT APPLICATION FORM C

For **AMENDMENT TO PLAT** (combining existing platted lots only)

This section for staff use:

Application #		
Date/Time Rcvd.	Initials	
City Limits	ETJ	Unincorporated

SUBDIVISION NAME: _____ UNIT/PHASE# _____
 (if any): _____
 _____ of Block # _____
 Combining Lots _____ (if any) _____ Establishing Lot # _____ R (Use smallest lot no.)

SUBMIT THE FOLLOWING ITEMS:

1. **Application Form C** (this form)
2. **Address Request form**
3. **Amendment to Plat form** (submit original, no copies)
4. **Recorded Deed(s)*** indicating current ownership of all lots (**PLUS Deed of Trust*, Home Equity Document*, Mechanic's Lien***, etc., if ANY PART of property is mortgaged or encumbered by lien)
5. **Lienholder Acknowledgement** completed by lender (submit original, no copies) OR Letter stating no lien exists
6. **Tax Certificates** signed by Tax Office, showing current taxes paid in full for all lots (submit original, no copies)
 NOTE: Additional tax documentation may be required after Sept. 1 of each year--see Instructions.
7. **Check or Money Order for Recording Fees** payable to Comal County Clerk (include DL# & phone #)
 Fee is \$121.00 + \$4.00 for each tax certificate page.
8. **Property Owner's Statement regarding Subdivision Covenants & Restrictions** (*plus* POA/HOA correspondence, if applicable; see Instructions)

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

CONTACTS:

Property Owner(s): _____
 Email: _____ Phone: _____ Fax: _____
 Address: _____
 City: _____ State: _____ Zip: _____

Authorized Representative (if not Owner): _____
 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. As the applicant, I consent to the online posting/public release of any e-mail addresses associated with this application.

Owner(s) or Authorized Representative Signature(s)

Date

Printed name(s)

Instructions & Answers to Frequently Asked Questions

The following numbered paragraphs correspond with the numbered list of requirements on *Application Form C*.

1. **Subdivision Plat Application Form C** – Gather the documents listed on Form C and submit the package to the County Engineer's Office, either by mail or in person.
2. **Address Request Form** – For assistance, contact the Address Coordinator (see the contact information at the bottom of the Address Request Form).

3. **Amendment to Plat Form**

Fill in the OWNER name(s) as written on the recorded deed(s). *Owner name(s) must match on each deed; if they do not, in most cases the Amendment to Plat application cannot be accepted.* You may choose to contact an attorney to revise the deed(s). If an owner's name has changed due to marriage, deed revision may not be necessary. Please provide a copy of the recorded marriage certificate.

Under LEGAL DESCRIPTION OF PROPERTIES, enter the County recording number of the plat being amended, and the PLAT TITLE as shown on the recorded plat. Enter the UNIT number for the subdivision, if any, and the LOTS being combined. Example: XYZ Subdivision, Unit 1, Lots 1 & 2. The subdivision will not always have UNIT or BLOCK numbers.

Under ESTABLISHING, write the resulting LOT number, which 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. Enter the BLOCK (if any), SUBDIVISION title, and UNIT (if any).

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

4. **Recorded Deeds** (showing ownership and property description) are available for a small fee from the County Clerk's office, 150 N. Seguin Ave., New Braunfels (830-221-1230). Also, if any mortgage or lien exists for ANY PART of the property, please submit the corresponding recorded document that describes the terms of the lien (e.g., Deed of Trust, Warranty Deed with Vendor's Lien, Home Equity loan document, etc.).
5. **Lienholder Acknowledgement** is required if there is a mortgage or lien on ANY PART of the property. The lender, not the property owner, must complete the form. Submit the ORIGINAL form, signed by the lender and notarized, with your application. A copy is not acceptable.
6. **Tax Certificates** (not receipts or statements) must be issued and signed by the Comal County Tax Office, and must show current property taxes *paid in full*. Please submit the ORIGINAL certificates (not copies).

Please note: Additional documentation of property tax payment may be required after September 1 of any given year, per Texas Property Code § 12.002(e). If it becomes necessary to submit tax payment documentation in addition to the tax certificates, we will notify you.

7. Submit a **Check or Money Order**, payable to the Comal County Clerk, for the plat recording fee, \$121.00 *plus* an additional \$4.00 for *each* tax certificate page. Please write your driver's license and telephone numbers on your check.
8. **Property Owner's Statement regarding Subdivision Covenants and Restrictions** – Check and complete the applicable statement on the form. If you check statement #1, attach **correspondence from your POA/HOA** affirming that the proposed Amendment to Plat does not attempt to remove the subdivision's covenants or restrictions.

Please be aware that the Amendment to Plat procedure does not release utility or other easements. If desired, you may contact the utility companies to request utility easement releases. Easement releases are not required for the Amendment to Plat.

Approval and Recording

After all the required documents have been correctly submitted to the County Engineer's Office, approval by Commissioners Court usually takes about two weeks. The County Clerk then records the Amendment to Plat and mails the recorded document to the owner's address. The Amendment to Plat process is then complete.



1. PROPERTY OWNER INFORMATION

Property Owner Name: _____

Property Owner's Current Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

2. LOCATION OF PROPERTY

Subdivision: _____

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

Appraisal District Name of road from which the
Property ID/Account Number: _____ property is primarily accessible: _____

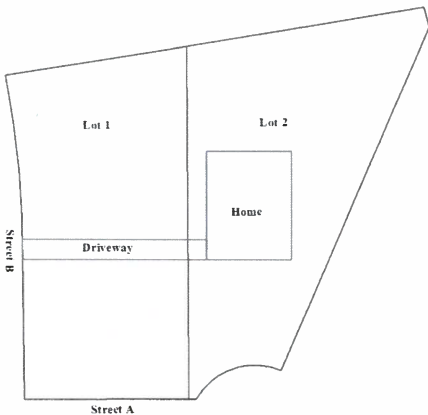
3. SITE PLAN

Attach a site plan or provide a drawing below showing the proposed location of structure(s) and access point(s). (Example)

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 and shown as 0 TBD until a site plan has been submitted.

Existing structure currently addressed as: _____

Example:



4. SIGNATURE OF PROPERTY OWNER

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, (Print Name) _____, 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. In addition, I affirmatively consent to the online posting/public release of my e-mail address associated with this application, as applicable.

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 NAME(S) As Shown On Deed: _____

MAILING ADDRESS: _____

LEGAL DESCRIPTION OF PROPERTIES

PLAT Document #: _____ OR Vol.: _____ Page(s): _____

Plat Title: _____

Unit: _____ Lot(s): _____ Block(s): _____

ESTABLISHING

LOT(S): _____ BLOCK: _____

SUBDIVISION: _____ UNIT: _____

NO IMAGE WILL BE PRODUCED. SEE REFERENCED DOCUMENTS

The signatures affixed below will certify that the owner(s) of the described property hereby amend the plat of the property so as to combine the referenced lot(s) or tract(s) into a single lot or tract. The property owner(s) acknowledge that this Amendment to Plat may not dissolve or alter any existing easement(s) or other property interests that may exist within the boundaries of this property and that obtaining releases or permission from any owner(s) or beneficiary of easement(s) or other property interest(s) affected by this process shall be the responsibility of the property owner(s). The owner(s) also certify that any and all Lien-Holders have acknowledged this Amendment to Plat as per the attached Lien-Holder Acknowledgement(s) if applicable.

Printed Name of Owner

Printed Name of Owner

Signature of Owner (above)

Signature of Owner (above)

STATE OF TEXAS:

COUNTY OF _____

§
§
§

SWORN AND SUBSCRIBED before me by _____ and
Printed Name of Owner

_____ on the _____ day of _____, 20____.
Printed Name of Owner

NOTARY SIGNATURE

{NOTARY STAMP}

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)

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)