

## **Crystal Palace Estates Phase II Existing Subdivision to Gated Subdivision**

Currently, the existing plat, which was approved February 14, 2000, depicts right-of-way dedicated to the public for the interior streets. A gated subdivision restricts access to the general public. Therefore, a conflict would be created if the general public did not have access to that public right-of-way as it exists today due to a gate being installed. There are two separate processes that can be followed to convert the existing subdivision to a Gated Subdivision:

### **Process #1 - Outline for Cancelling a Plat (Section 232.008, Local Government Code)**

- Complete application to Cancel a Plat and submit to Public Works for review.
- Notice must be published in newspaper at least three weeks before CC meeting.
- CC holds a public hearing.
- CC considers an order to cancel the subdivision.
- If CC approves order, property owner files the order in the County Clerks record's canceling the subdivision.
- Owner may then file a plat for a gated subdivision under current subdivision rules and regulations.

**Note:** A subdivision may be canceled in whole or in part.  
Cancelling of subdivision also cancels dedication of roads as public roads.

### **Process #2 – Outline for closing, vacating or abandoning roads (Chapter 251, Transportation Code)**

- Complete petition and application for roads to be vacated and submit to Public Works for review.
- Notice must be posted at courthouse and in the vicinity of the affected roads.
- Notice is also posted in the newspaper.
- CC holds a public hearing.
- CC considers order vacating roads.
- If CC approves order, order is recorded in County Clerk's records vacating the roads.

**Note:** Upon an order vacating the roads being filed, title to the property vests to the adjoining property owner (in this case the developer).  
Section 251.058 requires order vacating the roads to include the dimensions of the property (roads) being closed and that is being conveyed to the abutting property owner.

Once one of the two processes is completed, the developer would need to submit a plat (or replat), along with other required information, to the Public Works Department depicting the proposed gated subdivision for review and then on to Commissioners' Court for consideration.

**County Attorney's recommendation would be for the CC to consider Process #1 to cancel the plat.** Under either scenario, the issue to be resolved by the CC is whether the developer will be required to have the existing roads (built in 1999 and unused as of 2013) tested to determine if the road base and stabilization of that road base meet current county specifications.