

## **SUBDIVISION OF LAND**

A plat is a map drawn to scale showing the division or subdivision of a piece of land, streets, easements, utilities, etc.. Platting is a tool used by local governments to regulate the subdivision of land.

**PLAT REQUIRED.** Sec. 212.004 of the Texas Local Government Code states:

The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared.

**Why Is Platting Required** -The subdivision enabling legislation for Texas municipalities is set forth in Chapter 212 of the Local Government Code. That chapter states that a municipality may enact subdivision regulations "to promote the health, safety, morals or general welfare of the municipality and the safe, orderly and helpful development of the municipality" (LGC Section 212.002). In the case *Lacy v. Hoff*, 633 S.W.2d 605 (Tex.Civ.App.-Houston [14th Dist.] 1982, writ ref n.r.e.) **The court set forth the following purposes for platting:**

1. To regulate subdivision development and implement planning policies;
2. To implement plans for orderly growth and development within the city's boundaries and extraterritorial jurisdiction;
3. To ensure adequate provision for streets, alleys, parks and other facilities indispensable to the community;
4. To protect future purchasers from inadequate police and fire protection;
5. To insure sanitary conditions and other governmental services;
6. To require compliance with certain standards as a condition precedent to plat approval; and,
7. To provide a land registration system.

**AUTHORITY RESPONSIBLE FOR APPROVAL GENERALLY.** Sec. 212.006 of the Texas Local Government Code states:

The municipal authority responsible for approving plats under this subchapter is the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality. The governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission.

**DELEGATION OF APPROVAL RESPONSIBILITY.** Sec. 212.0065 states:

- (a) The governing body of a municipality may delegate to one or more officers or employees of the municipality or of a utility owned or operated by the municipality the ability to approve:
- (b) amending plats described by Section 212.016;

- (c) minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or
- (d) a replat under Section 212.0145 that does not require the creation of any new street or the extension of municipal facilities.

**APPROVAL PROCEDURE.** Sec. 212.009 states that (a) The municipal authority responsible for approving plats shall act on a plat within 30 days after the date the plat is filed. A plat is considered approved by the municipal authority unless it is disapproved within that period.

If the City has an ordinance requiring that a plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall act on the plat within 30 days after the date the plat is approved by the planning commission or is considered approved by the inaction of the commission.

**A municipal authority is obligated to approve a plat if:**

1. It conforms to the general plan of the municipality in its current and future streets, alleys, parks, playgrounds, and public utility facilities;
2. It conforms to the general plan for the extension of the municipality and its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to an extension of sewer and water mains in the instrumentalities of public utilities;
3. A bond, if required, is filed with the municipality; and,
4. It conforms to any rules adopted by the municipality on subdivision.