



STAFF REPORT

MEETING DATE: July 25th, 2024

TITLE:

Consider action to approve the vacation of The Colony MUD 1D, Section 3 Final Plat, being 25.419 acres out of the Jose Manuel Bangs Survey, Abstract No. 5, located north of Sam Houston Drive, within the extraterritorial jurisdiction of Bastrop, Texas, as shown in Exhibit A.

STAFF REPRESENTATIVE:

Kennedy Higgins – Senior Planner, Development Services

ITEM DETAILS:

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| Site Address: | North of Sam Houston Drive (Attachment 1) |
| Total Acreage: | 25.419 acres |
| Legal Description: | 25.419 acres of the Jose Manuel Bangs Survey, Abstract No. 5 |
| Property Owner: | Rick Neff/Hunt Communities Bastrop, L.L.C. |
| Agent Contact: | Taunia Halcomb, Carlson, Brigance, and Doering, Inc. |
| Existing Use: | Vacant/Undeveloped |
| Existing Zoning: | None. Extra-Territorial Jurisdiction, The Colony MUD |
| Adopted Plan: | Fourth Amendment to the Colony MUD Consent Agreement, Approved November 5, 2020 |
| Future Land Use: | Neighborhood Residential |

BACKGROUND/HISTORY:

The applicant has submitted an application to vacate the Final Plat for The Colony MUD 1D, Section 3. The plat currently includes 111 residential lots and 1 non-residential lots (Exhibit A). The request for the vacation is in order to support a reconfiguration of the lots which will result in an overall decrease in lots. A new preliminary plat has been submitted showing the new configuration.

POLICY EXPLANATION:

Vacating plats are reviewed and approved in the manner the original plat was approved. This final plat was approved by the Planning & Zoning Commission.

Local Government Code

Sec. 212.013. VACATING PLAT. (a) The proprietors of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

(b) If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

(c) The county clerk shall write legibly on the vacated plat the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

(d) On the execution and recording of the vacating instrument, the vacated plat has no effect.

The original Final Plat was approved by the Planning and Zoning Commission January 26, 2023.

B³ Code – Chapter 1: Subdivisions

- Section 1.3.001 Standard Procedure - Platting

(c) Vacating Plat: Refer to Texas Local Government Code Chapter 212, Subchapter A. Regulations of Subdivisions, Section 212.013 – Vacating Plat.

The B3 code references compliance with the Texas Local Government Code in regards to vacation of a plat.

RECOMMENDATION:

Consider action to approve the vacation of The Colony MUD 1D, Section 3 Final Plat, being 25.419 acres out of the Jose Manual Bangs Survey, Abstract No. 5, located north of Sam Houston Drive, within the extraterritorial jurisdiction of Bastrop, Texas, as shown in Exhibit A.

ATTACHMENTS:

- Exhibit A: The Colony MUD 1D, Section 3 Final Plat
- Attachment 1: Location Map