

PROJECT NAME: _____

ROW VACATE

APPLICATION & CHECKLIST SUBMITTAL PACKET

GENERAL INFORMATION

A ROW vacation application is used when a ROW is not needed by the city and the adjacent property owner may want to incorporate the ROW into their development.

- ROW vacation must meet the following conditions:
 - Property owners abutting the proposed right-of-way vacation must be in agreement with the road closure and willing to purchase right-of-way or assign his/her rights to someone who is willing to purchase the right-of-way.
 - The road closure does not prevent access to property.
 - The subdivision is still in compliance with the Subdivision Ordinance. The ordinance includes perimeter block length and connectivity requirements.

HELPFUL LINKS



- Development Services – www.leandertx.gov/ds. Includes links to the following:
 - Development Process – Applications, Submittal Schedule
 - Planning Department: Zoning, Subdivision, Site Development, Current Developments
 - Building Permits & Inspections: Building Permits, Impact Fees
 - Engineering Department
 - Maps & Guides – Comprehensive Plan, Transportation Plan, Development Guide, Transportation Criteria Manual, Drainage Criteria Manual
- Fire: www.leandertx.gov/fire
- Parks: www.leandertx.gov/parksrec
- Development Hub – Application Portal: www.leandertx.gov/hubgo

CONTACT INFORMATION

Please contact the Development Services Department by emailing planning@leandertx.gov with any questions regarding this application.

INSTRUCTIONS

- Fill out the following application and checklist completely prior to submission. Incomplete applications will not be accepted.
- Current applications and City ordinances may be found on the City's website (www.leandertx.gov/ds).
- The applicant is **required** to attend a Pre-Development Meeting prior to the submittal of the application or request/receive a Due Diligence Report. This requirement may be waived if the Director of Development Services deems that it is not necessary. Please contact the Planning Department to schedule the meeting by emailing planning@leandertx.gov.
- Please refer to the "Submittal Schedule" for submittal deadlines. Applications may be submitted through the Development Hub at anytime for preview. Once all items are confirmed and accepted, the review process will start on the next available filing date as listed in the submittal schedule.
- Right-Of-Way conveyance can be made to abutting property owners in proportion to the ownership of the adjacent property. The property owner can purchase to the right-of-way fronting his/her property to the middle of the right-of-way without the City having to competitively bid the sale.
- If a property owner wishes to purchase the entire width of the right-of-way, this can be achieved if the property owner on the other side of the right-of-way assigns his/her right to purchase to the other property owner.
- All items listed in the "Required Items for Application Submittal" below shall be uploaded to the Development Hub.

REQUIRED ITEMS FOR THE SUBMITTAL PACKAGE

REQUIRED ITEMS	PROVIDED	<i>Check each box if you have complied with that item. This application/checklist is only a guide. All state and local ordinances and code requirements cannot be reflected on this application/checklist. If there are any questions regarding the regulations, the applicant shall consult source law.</i>
	<input type="checkbox"/>	1. Completed and Signed Application & Checklist with the owner's signatures.
	<input type="checkbox"/>	2. Five copies of surveys for all parcels to be vacated and each ROW parcel to be purchased including: <ul style="list-style-type: none"> a. All existing water and wastewater lines or other public utilities b. All water, wastewater and drainage easements (if any). Show on the survey the location of all water meters, valves and wastewater manholes.
	<input type="checkbox"/>	3. Letter describing the reason for the request.
	<input type="checkbox"/>	4. Deed showing current ownership. Proof of signatory for corporations is required.
	<input type="checkbox"/>	5. Provide an appraisal by a real estate appraiser reflecting the value of the right-of-way. The City Council can accept or reject the appraisal. The City needs to obtain adequate value for the property, which is the purpose of the appraisal.
	<input type="checkbox"/>	6. If utilities are present in the right-of-way, the Engineering Department shall be consulted and an easement retained if necessary.
	<input type="checkbox"/>	7. A letter from each property owners abutting the right-of-way to be vacated and stating that the owner agrees to such right-of-way vacation <u>and</u> is either willing to purchase their portion of the right-of-way or assigns such right to purchase to the owner on the opposite side of the right-of-way
	<input type="checkbox"/>	8. Development meeting notes, confirmation that a development meeting was not required, or Due Diligence Report.
	<input type="checkbox"/>	9. Application Fees (calculation listed below).

APPLICATION FEE* CALCULATION

Attorney Fee Deposit**:	\$ 1,000.00
Technology Fee:	\$ 25.00
TOTAL FEE (due at the time of application submission) \$	

* An invoice for application fees will be provided during the completeness check. All fees shall be paid prior to the acceptance of the submittal for review.

** This deposit is an estimate, the applicant will either receive a refund or an invoice for additional fees.

PROJECT INFORMATION

Property Description: _____

Subdivision Name: _____ Section: _____ Lot(s): _____ Block: _____

PROCESS/REQUIREMENTS FOR RIGHT-OF-WAY VACATION

- City staff will review and make a recommendation regarding the requested right-of-way vacation.
- The request will be heard by City Council.
- The City Council must review the request and if they are supportive of the vacation, a purchase price will be declared.
- Payment for the purchase price for right-of-way and any legal fees from the City Attorney for drafting documents and/or reviewing the request will be due prior to the execution of documents.
- Original documents will be signed and the applicant will be responsible for recording the documents with Williamson County or Travis County.

APPLICANT INFORMATION:

Please Note: The signature of owner authorizes City of Leander staff to visit and inspect the property for which this application is being submitted. The signature also indicates that the applicant or his/her agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. If there are multiple property owners, one notarized form per owner is required. Approval of this application and the related plat or plans does not constitute the approval of variances or waivers to ordinance requirements. Applicant is responsible for compliance with all applicable ordinance unless a variance, waiver, or exception has been specifically approved.

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

(Check One):

I, the owner, will represent this application with the City of Leander.

I, the owner, hereby authorize the person named below to act as my agent in processing this application with the City of Leander.

OWNERSHIP INFORMATION:

Owner Name (Company or Individual): _____

Contact Name: _____

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.

Phone: _____ Fax: _____

Address: _____ City: _____ State: _____ Zip: _____

Email: _____ Mobile: _____

By signing this form, the owner of the property authorizes the City of Leander to begin proceedings in accordance with the process for the type of application indicated above. Owner further acknowledges that submission of an application does not in any way obligate the City to approve the application. By signing this form the owner of the property authorizes the City of Leander to enter upon the property to perform all necessary inspections and acknowledges that the construction will be in accordance with the City of Leander standards and the approved construction documents. By indicating an agent on the application, the property owner authorizes the agent to represent the request and all official contact will be between the City of Leander and the agent.

Owner's Signature: _____ **Date:** _____

THE STATE OF _____

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KNOW ALL MEN BY THESE PRESENTS

COUNTY OF _____

Before me, _____, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____.

Notary Public's Signature _____

My Commission Expires: _____

AGENT INFORMATION:

If an agent is representing the owner of the property, please complete the following information:

Project Agent: _____ **Company:** _____

Phone: _____ Fax: _____

Address: _____ City: _____ State: _____ Zip: _____

Email: _____ Mobile: _____

I hereby attest that I prepared this application/checklist and that all information shown hereon is correct and complete to the best of my knowledge:

Signature

Name (printed)

Date

CONFLICT OF INTEREST DISCLOSURES

Please submit at the time of submission of application and update disclosures within 7 business days after the date of an event that would make a statement in the questionnaire incomplete or inaccurate.

ARTICLE 9.05. CITY CODE OF ORDINANCES – CODE OF ETHICS:

<http://z2codes.franklinlegal.net/franklin/Z2Browser2.html?showset=leanderset>

▪ Ethics Ordinance – Disclosure Statements

The City's Ethics Ordinance requires persons seeking to enter discretionary contracts with the City or appearing before the City Council or another City board or body to disclose certain relationships and conflicts of interest. The relevant sections of the Ethics Ordinance are set forth below. The Ethics Ordinance can be found in Article 9.05, Chapter 9 of the City's Code of Ordinances at the above link.

Sec. 9.05.007 Persons doing business with the city

(a) Persons seeking discretionary contracts.

(1) For the purpose of assisting the city in the enforcement of provisions contained in this article, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract any conflict of interest. This is set forth in [sections 9.05.004](#) and [9.05.005](#) of this article. Further, the individual or business entity agree to abide by the same ethical standards as set forth for public servants in this article.

(2) Subsection (a) of this section will become a permanent footnote on documents contained in city bid packets for discretionary contracts.

(b) Disclosure of conflicts of interest by persons appearing before a board or city body. A person appearing before any city board or other city body for the purpose of doing business with the city shall disclose to that board or body any facts known to such person which may show or establish that:

- (1) An employee or officer of the city that advises or makes presentations to the board or city body; or
- (2) Any member of the board or city body;

has or may have a conflict of interest pursuant to chapter 171, Tex. Loc. Gov't. Code, or an interest which would violate the ethical standards set forth in this article, if he or she were to participate in the processing or consideration of the subject matter.

Sec. 9.05.009(f) Disclosure by persons appearing before a city body. Any person who appears before any city body who has had business dealings within the preceding 12-month period involving one or more transactions of five hundred dollars (\$500.00) or more each quarter, or for a total of twenty-five hundred dollars (\$2,500.00) or more, within the preceding 12-month period with a councilmember, commissioner, or business entity in which a councilmember or commissioner has a substantial interest, shall disclose such business dealings at the time of the appearance. Any person who shall intentionally or knowingly fail to make the aforesaid disclosure shall be guilty of a misdemeanor and shall be fined in accordance with this article.