

City of Weslaco

"The City on the Grow"



APPLICATION FOR CONVERSION OF AN ALLEY INTO A UTILITY EASEMENT

Location of Proposed Abandonment: _____
Lot: _____ Block: _____ Addition: _____
Type of Easement to be Abandoned: _____
Reason property should be vacated/abandoned: _____

APPLICANT: _____
ADDRESS: _____
PHONE NO.: _____ FAX NO. _____
E-MAIL ADDRESS: _____

Below is a list of attachments that must accompany this application:

1. Three Hundred Dollars (\$300.00) Non-refundable Application Fee per Submittal.
2. A metes and bounds legal land description of the proposed abandonment labeled Exhibit "A". (See attached instructions for preparation)
3. A plat or drawing depicting the area to be abandoned labeled Exhibit "B". (See attached instructions for preparation)
4. Completed consent form for all adjacent property owners. (Use form provided)

I will hold the City harmless and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such conversion.

Applicant



THE STATE OF TEXAS §
COUNTY OF HIDALGO §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to the that (s)he executed the same for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, A.D. 20_____.

Notary Public In and For Hidalgo County, Texas

INSTRUCTIONS FOR CONVERSION OF AN ALLEY INTO A UTILITY EASEMENT

1. Definitions:
 - a. Alley- A street or highway primarily intended to provide access to the rear or side of lots or buildings in urban areas and is not intended for through vehicular traffic.
 - b. Utility Easement- An easement that allows a utility the right to use and access specific area of another's property for laying gas, electric, phone, cable, water, and sewer lines. A utility easement is attached to the property deed so that it passes on even when the property is transferred or sold. Having an easement gives the utility the right to use the land, but the utility does not own it. However, the property owner may encounter certain restrictions on land use in an area covered by a utility easement.
 - c. Permanent Structure- Any structure not intended to be moved around frequently on the land, or would be difficult to move without the use of machinery.
 - d. Landscaping- Any types trees, shrubs, berm, swales, hedges or plants.
2. Request for a conversion of an alley to a utility easement will be considered on a case by case basis. If a conversion is approved by the City Commission it will not establish a precedent for future request.
3. Once a request is received for a conversion of an alley into a utility easement, the proposed conversion will be considered for the entire block. A conversion will not be considered on a property by property basis.
4. A fee of \$300 is paid to the City for the publication of a notice to request and for mail-outs to adjacent property owners and/or 200 foot radius and/or other potential affected areas of the proposed request.
5. The applicant must submit a petition letter and application to the City stating the reason and intent for the request.
6. A notarized affidavit for holding the City harmless against all suits, expenses and damages that may arise or grow out of such conversion must be included as part of the application packet.
7. All property owners who are part of the street block which dedicated the alley must either consent to or state why they do not consent to the requested conversion. Completed consent forms must include the property owner's printed name, a photocopy of valid identification and signature. One-hundred percent of the property owners must authorize for consideration.
8. The request for the conversion must also include a metes and bounds description with an exhibit, a survey prepared by a Texas Licensed Professional Surveyor, or a map that identifies the location and physical description of the site. If a map is submitted it must include a proper legal description of the property, scale, acreage/square footage and dimensions that will define the boundaries of the proposed property.

9. Certified letters will be sent by City staff to local utilities companies. Utilities companies will have ten (10) days from receipt of the letter to respond in writing indicating whether or not there is an objection to the request. Utility companies that do not respond will be considered to have no objection to the request.
10. City Staff will review the request for initial feasibility and coordinate a meeting with applicant. If staff determines that the request is feasible, the request can then proceed to review by the Planning & Zoning Commission.
11. An appeal of City Staff's decision must be submitted in writing to the City Manager requesting the consideration of the item by the Planning & Zoning Commission and the City Commission. The applicant will have ten (10) working days from the date of staff's decision to file the appeal with City Manager. The City Manager will schedule a meeting date, to hear the applicant's and City Staff's position on the matter and render a written decision within ten (10) working days from the date the appeal was filed. An appeal to the City Manager's decision may be submitted in writing to the attention of the City Commission.
12. Oppositions to the request must be in writing and submitted to the Planning and Code Enforcement Department on or before the date of the scheduled public hearing.
13. The recommendation from the Planning & Zoning Commission on the request will be presented to the City Commission for final action.
14. If approved by City Commission, the easement will become part of the adjacent owners property divided into equal parts, as long as they are part of the subdivision that dedicated the alley.
15. If approved, the conversion from an alley into a utility easement will be adopted by ordinance.
16. If approved, each property owner shall pay to the City the appraised land value per square foot of the property to be conveyed as assessed by the Hidalgo County Appraisal District.
17. Deeds and conveyance of property will be submitted by property owners along with recording fees, to the City to be recorded with Hidalgo County Land Records.
18. No permanent structures or landscaping will be allowed to be placed or constructed over the utility easement.
19. Areas that have been annexed by the City will have a legal non-conforming use, if construction has occurred over alleys prior to the date of the annexation.

Questions may be referred to: Mardoqueo Hinojosa at 956.447.3401

**INSTRUCTIONS FOR PREPARING LEGAL LAND
DESCRIPTIONS (EXHIBIT “A”)**

1. Describe by metes and bounds the street/easement/alley or part thereof to be converted.
2. Have the notes prepared by a Registered Professional Land Surveyor (R.P.L.S.).
3. Submit an original print, complete with R.P.L.S. signature, seal and registration number.
4. Legal land descriptions (field notes/ metes & bounds) to be prepared on 8 1/2” x 11” white bond paper. Blue line prints are not acceptable.

**INSTRUCTIONS FOR PREPARING THE PLAT OR
DRAWING (EXHIBIT “B”)**

1. Drawing to be to scale, showing all existing water, sewer, drainage (indicating the size of such lines) and utility lines (including overhead lines), poles and markers and any existing buildings, fences, pavement or other improvements in or near vicinity of the request.
2. Show property boundary lines and dimensions, owner(s) of record’s name, address, and telephone number for each tract abutting/adjacent to the area proposed to be vacated.
3. In the case of closure of a street/alley/easement, show property boundary lines and dimensions, record owners’ name, address, and telephone number for any tract affected or abutting any remaining such street/easement/alley as far as the first cross street.
4. Show all existing easements in the vicinity of the proposed abandonment.
5. Include an inset location map sufficient to locate the request on a city street map.
6. Submit one original print of the plat or drawing on white bond paper no larger than a sheet of letter-size paper. Larger drawings may be submitted to provide a drawing at a scale that is legible and provides sufficient detail to be able to consider the request. This larger drawing is in addition to the drawing submitted on no larger than letter- sized paper. No blue line prints of the smaller drawing will be accepted.
7. Drawing to be prepared by a Registered Professional Land Surveyor (R.P.L.S.) complete with the signature, seal and registration number of the preparer.