ABANDONMENT OF RIGHTS-OF-WAY (STREET OR ALLEYS) AND EASEMENTS (FAQ)

GENERAL

What is the purpose of an abandonment?
An abandonment relinquishes the City's interest in all or a portion of the previously dedicated public easement, right-of-way or alley, thereby giving a property owner more usable area. A property owner may apply to abandon easements on his/her property or right-of-way/alley adjacent to his/her property. Abandonment does not assign ownership or affect other property rights in the abandoned property, but rather releases the City's interest in the area.

What area can I abandon?
The area can be a portion or all of the easement or right-of-way/alley depending on the use and purpose of the easement or right-of-way/alley. For right-of-way or alley abandonment, public easements may need to be retained.

Easements that are strictly designated for a specific service or utility provider will need to be abandoned through that respective service or utility company(s).

What if there are public utilities in that area?
If public utilities exist, the applicant should provide for their removal or relocation before staff can approve the abandonment. The applicant will need to contact the respective service or utility company(s) for their procedure to remove or relocate the utility.

How are abandonment requests processed?
Abandonments for easements or right-of-way/alleys are processed either by plat or by separate instrument. It is highly recommended that the applicant meets with a City staff representative to discuss the feasibility, cost and other factors before submitting a request. A request for abandonment may require the submittal of a drainage plan prepared by a licensed professional engineer; the submittal of a traffic study prepared by a licensed professional engineer experienced in traffic engineering; dedication of alternate or replacement easements or right-of-way; abutting or impacted property owner(s) concurrence; or platting of the property.

For private easements, the City may consent to the applicant's request for abandonment. The process for receiving the City's consent for abandonment of the private easement is the same as the public process. However, the applicant will need to comply with all legal requirements to abandon and vacate the private easement, including execution and recording of other document(s) necessary to abandon and release the private easement.

How would I know which process I should go with?
By Plat: If you are in the process of platting or replatting your property for development, you can abandon the easement or right-of-way/alley through the platting process.

Platting for the sole purpose of abandoning an easement or right-of-way/alley will not be allowed.

By Separate Instrument: If you are not platting your property, then you will need to submit an application for abandonment by separate instrument.

When and where can a property owner submit an application request?
By Plat: The plat shall be in accordance with the Unified Development Code and submitted through the Planning & Development Services Department located on the 2nd floor of City Hall, 101 W. Abram Street, Arlington, TX 76010. An abandonment application form is not needed.

By Separate Instrument: A completed abandonment application form shall be submitted to the Department of Public Works and Transportation, located on the 2nd floor of City Hall, 101 W. Abram Street, Arlington, TX 76010. Hard copy of the application form can be obtained from Public Works and Transportation. Electronic copy is available on Public Works and Transportation website (link provided at the end of this document). The submitted application should include the following:

- Property information
- Applicant information
- Information regarding purpose of request, current use and proposed use of the area proposed for abandonment.
- Information of abutting or impacted property owner(s) who do not consent to the abandonment (if applicable)
- Exhibit A - Metes and bounds description of the area proposed for abandonment. This document will need to be sealed and signed by a registered professional land surveyor retained by applicant.
- Exhibit B - Survey plat showing the legal description of the area proposed for abandonment. This document will need to be sealed and signed by a registered professional land surveyor retained by applicant.
- Exhibit C - Consent or sign-off from abutting or impacted property owner(s), if applicable.

Is there a fee for an abandonment request?
By plat: The application fee is $650 and is due prior to approval of the plat.

By separate instrument: The application fee is $850 and is due with submittal of the application form.

The fee is non-refundable regardless of the ultimate outcome of the request. There may be additional cost, such as fair market value of the abandoned area or utility relocation costs, which should be discussed with staff representative. Refer to Article VII of the City of Arlington Administrative Chapter for requirements of fair market value.

How are abandonment requests processed?

By Plat: As part of the plat approval process, the plat will be forwarded to the Department of Public Works and Transportation for review and coordination with other City departments and registered public service providers. Reviewing parties may approve, deny or comment on the request. The plat must clearly depict the area being abandoned by shading or cross-hatching the area of abandonment with a note stating that the easement or right-of-way/alley is being "Abandoned by this plat". The vacation of a plat in effect vacates and abandons all easements or rights-of-way dedicated by the prior plat. Dedication of alternate or replacement easements or right-of-way/alley by separate instrument may be required prior to plat approval. Once all comments are complied with and abutting/impacted property owner(s) consent received (if applicable), the Department of Public Works and Transportation will recommend approval of the plat to the Planning and Zoning Commission. If the plat is approved, the easement or right-of-way/alley will be deemed abandoned upon recording of the plat.

By Separate Instrument: There are 2 processes:

Administrative Process - Most applications can be processed administratively by staff. To process an abandonment request administratively, all parties concerned, i.e., abutting or impacted property owner(s), City departments, and registered public service providers must express unanimous approval. Upon receipt of the completed application, the Department of Public Works and Transportation will coordinate with other City departments and registered public service providers' for sign-offs. Reviewing parties may approve, deny or comment on the request. Once unanimous approval is obtained, staff prepares an Abandonment of Easement/Right-of-Way document and forwards it to the applicant for property owner's signature and notary. Upon return from the owner, staff obtains signatures from the Director of Public Works and Transportation and from the City Attorney's Office. The document is then filed and recorded with the County and the easement or right-of-way/alley is then deemed abandoned.

Through City Council - When unanimous approval cannot be reached by all parties involved; or when the abandonment involves an existing public easement or right-of-way that provides vehicular access; or at the discretion of the Director of Public Works and Transportation, the request will be forwarded to the City Council for consideration. The abandonment request is considered at two readings of the City Council meeting, normally two weeks apart. A public hearing may be held on the First Reading. If approved, the applicant must comply with any stipulations, which may include payment of fair market value or removing/relocating public utilities before final approval.

How long will the process take?

Each request is different, depending on factors such as, existing infrastructures in the area, if relocation is needed, if it impacts other properties, applicant's ability to comply with stipulation, etc. Generally, if there are no infrastructures in the area and abandonment of the area does not impact other properties, the processing time is approximately:

By Plat: 4 weeks from receipt of the plat from Planning & Development Services Department to obtain all required sign-offs, provided the abandonment is shown correctly on the plat and applicant has obtained impacted property owner(s) concurrence, if applicable. (This does not include other requirements/stipulations for plat approval).

By Separate Instrument (Administrative Approval): 4 to 6 weeks from receipt of a completed application form, provided no additional requirements arises during the review.

By Separate Instrument (City Council Approval): Approximately 6 weeks or more, depending on City Council's agenda and the applicant's ability to comply with stipulations.

To expedite the process, it is highly recommended that applicant meet with a City staff to go over potential issues and requirements prior to submitting an application.

Is there an expiration to my request?
By Plat: The abandonment request will expire with the expiration of the plat application in accordance with the Unified Development Code.

By Separate Instrument: The application will expire 12 months from the date the application was submitted. However, applicant may request for an extension of 6 months if the applicant is making progress or legitimate attempts to comply with any stipulations for approval.

Forms available on Public Works & Transportation web page at:
Abandonment of Easements & Right-of-Way | City of Arlington, TX
{link to Application Form for Public Easement or Right-of-way}
{link to Application Form for Private Easements}
{link to Administration Chapter, Article VII – Rights-of-way (Street and Alley) and Easement Abandonment}