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PLATTING FUNDAMENTALS

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Kim has a passion for the practice of urban planning law, concentrating her practice in the areas of land use, real estate development, economic development, as well as general municipal and non-profit corporation law, and is a frequent speaker and author on these issues in Texas and other states. In addition to her practice, she is a Visiting Associate Professor in the Masters in Urban Planning program at Texas Southern University, and formerly with the Masters in Urban Planning program in the College of Architecture at Texas A&M University.

Ms. Mickelson is an honors graduate of the Plan II program at The University of Texas, as well as The University of Texas School of Law and the Lyndon B. Johnson School of Public Affairs. She studied municipal and historic preservation practices in Krakow, Poland, and also studied in Germany and the former Yugoslavia.

She is a member of the Texas Bar Association and is the Section Chair of the Government Lawyers Section, Member: Houston Bar Association, the Texas City Attorney's Association, the American Planning Association, and the American Institute of Certified Planners; Preservation Texas, Preservation Houston, and ULL

She is Region III Commissioner to the AICP Commission of the American Planning Association, which regulates the certification and continuing education of certified urban planners, and serves on the Ethics Committee. She is also a Past-President of the Texas APA Chapter, and the Editor of Texas APA's book, A Guide to Urban Planning in Texas Communities.

In her spare time, Kim is a fiber artist, is learning all about dog dock diving with boxer #8, Koko Ocho, and is still a rabid Texas Longhorns fan,

I.

A REVIEW OF THE TEXAS PLATTING PROCESS AND STATUTE

The process governing the subdivision of land, or subdivision platting, is governed primarily by two chapters in the Texas Local Gov't Code: Chapter 212, Municipal Regulation of Subdivisions and Property Development, and Chapter 232, County Regulation of Subdivisions.

All references herein are to these chapters, abbreviated and cited as Sec. 212. _____ or Sec.

232. _____. Though much of the language is similar, there are major differences in the language, authority, and how city-county relationships work in the land development business.

I've attached to this paper a portion of Chapter 3, a Guide to Urban Planning in Texas Communities.¹ While dated, the basics of platting, and particularly the examples of plat language and drawings should help with understanding what goes on a plat. That is also covered in the PowerPoint that will be a part of the presentation.

A. A Brief History of Subdivision Platting.

Prior to 1927, there was no State law regulating the division of land. In 1927, the State Legislature adopted Section 974a, Cities, Towns and Villages, Vernon's Texas Annotated Statutes, which governed "Platting and recording subdivisions or additions."² This applied automatically only to subdivisions of land located in the city limits or within five miles of the city limits of a city with over 25,000 population. Smaller cities could utilize the regulatory system if approved at an election. In 1928, the U.S. Department of Commerce adopted the Standard Planning Enabling Act, which emphasized community comprehensive planning, and looked at platting regulations as a tool to implement a community's comprehensive plan.

One of the purposes of the system for subdivision of land, and the regulation thereof by the government, was to provide clarity in the sale of parcels of land. By dividing a large tract into a pattern of blocks and lots, this "plat" of the larger tract created new legal descriptions that omitted a cumbersome, perhaps confusing, and perhaps laden with errors metes and bounds

¹ A Guide to Urban Planning in Texas Communities, KMickelson, AICP, JD, Editor, Chapter 3, "Introduction to Subdivision Controls," Bill Dahlstrom, FAICP, JD, and Craig Farmer, FAICP. Texas Chapter, American Planning Association, 2013, For detailed analyses of issues in land development, particularly on the platting side, see "Texas Subdivision Platting Law" by Reid Wilson, Appendix C in *Texas Municipal Zoning Law*, Mixon, Dougherty and McDonald. Lexis-Nexis, 2023.

² Section 11 of Acts 1927, 40th Leg., p. 342, ch. 231. Available online at <https://sll.texas.gov>. Attached as Exhibit B.

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2023 Land Use Fundamentals session

"Subdivisions: What you Need to Know in the Context of the Current Application"