

AGENDA ITEM # 12January 5, 1999*

Discuss and take appropriate action on the resubdivision of original lots in North Lake, Sections A through F.

First Assistant County Attorney Dale Rye advised North Lake was an unrecorded subdivision owned by Jim Rehler who conveyed lots by metes and bounds in the 1970's. When Mr. Rehler died the county ended up with a unplatted subdivision consisting of hundreds of unplatted lots. Many people purchased numerous lots in this basically rural area. After Mr. Rehler's death there was no one to repair the miles of private streets as they deteriorated.

Over a period of years the North Lake Homeowners Association, the office of the County Attorney and Commissioners Court worked a plan whereby part, but not all, of the lots in the unplatted subdivision would be incorporated into a series of six (6) platted subdivisions which included all the streets. But in the course of accomplishing this many owners would not agree to sign on to being in a platted subdivision and since numerous people owned more than one lot but built only one house, the county requirement of 60% occupancy of a subdivision in order to assume maintenance of the streets could not be met.

An arrangement was worked out to combine the unplatted lots into one platted lot which was not difficult at the time because resubdividing was a simple process. In the interim the cost of re-subdivision is much more expensive (\$2,500.00 to \$3,000.00) and as Georgetown has developed in that direction small lots are now becoming economically viable.

With the extension of the extra territorial jurisdiction of the City of Georgetown this property now lies just barely outside the e.t.j.. Residents who originally moved to North Lake to live on very large tracts are now moving to large lots located further away from urban growth. The owners are discovering that the market forces are such that it is difficult to sell 3, 4 or 5 large lots caused by the platting of all their original tracts into one.

The question now is how do you treat these property owners fairly? The people who initially **did not** cooperate in the filing of the plat and still have their metes and bounds descriptions for their original lots can sell one with no problem. It's the people who cooperated by combining all their unplatted lots into one for platting purposes who are now required to go through the resubdivision process.

This resolution would allow the people who cooperated with the platting process to sell off their original unplatted lots by the same metes and bounds descriptions with which they acquired them without being required to resubdivide. This is a special situation which would not create a precedent for any other subdivision in the county. Commissioners Court has the authority to approve the resolution pursuant to Sec. 232.010, Texas Local Government Code, to authorize certain sales of property within a platted subdivision by metes and bounds without formal resubdivision.

This resolution would allow the owners to sell only their original lots by the original metes and bounds description. They will be required to re-subdivide for any other configuration.

Moved: Commissioner Boatright

Seconded: Commissioner Hays

Motion: To approve resolution allowing owners of lots in Unplatted Northlake to sell their original lots as conveyed by metes and bounds description without requiring resubdivision process and that **any other reconfiguration** of the platted lots will require compliance with the ordinary resubdivision process.

Vote: Motion carried 5 - 0

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