



Application to Change a County Road, Right of Way or Easement

Permit No.: _____
Rec'd Date: _____
Decision: _____
Signature: _____
Comments: _____

Lubbock County Public Works

P.O. Box 10536

Lubbock, Texas 79408

Publicworks@lubbockcounty.gov

Phone: 806.775.1664

*Pursuant to §251.016 The Commissioners Court may
exercise general control over all roads in the county.*

Right of Way or Easement Modification Process

1. Submit completed application (and petition if required) and payment to Lubbock County Public Works.
2. Notification of Intent to Change Right-of-Way
 - a. Public Utilities must be given 30 day notice of the request in accordance to §251.058(b-1)
 - i. Accommodations may be required if there are utilities in the modification area.
 - ii. Dedication of easements and/or relocations will be required. The cost of these will be at the expense of the applicant.
 - b. Public notice locations pursuant to §251.052(c)
 - i. Courthouse posting
 - ii. 2 publically viewable postings in vicinity of modification location
3. Collect comments from Utilities and Public – establish any additional easements to be dedicated and acknowledge any modifications.
4. Public Hearing will be scheduled at the next regularly scheduled Commissioners Court Meeting.
5. Applicant to provide a survey and legal recordable document for modification of Right-of-Way along with filing fee for recording with County Clerk.
6. Once documents have been received, request for Commissioners Court approval of request at the next regularly scheduled Commissioners Court Meeting pursuant to §251.051(b). There must be a unanimous approval vote to proceed.
7. Once document is executed by County Judge, the document will be filed of record at the county courthouse.



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Section 1: Applicant Information

Applicant: _____

Address: _____

Phone: _____

Email: _____

Section 2: Request Details (Type, Location, Reason) As Defined in §251.052 of Local Government Code

A. Type of Request

- | | |
|--|--|
| <input type="checkbox"/> Abandon | <input type="checkbox"/> Discontinue (petition required) |
| <input type="checkbox"/> New Road and/or Private to Public Road Conversion | <input type="checkbox"/> Modify |
| <input type="checkbox"/> Close | <input type="checkbox"/> Vacate |

B. Location of Request: _____
County Road from County Road to County Road

C. Reason for Request: _____

Section 3: Submittal Checklist

- ☐ Completed Application
- ☐ Drawings/plans –Attach a location map of the request
- ☐ Petition (if required)
- ☐ Check Payment

Signature of Applicant

Date

Section 4: Lubbock County Concrete Contoured Drive Policy

- 1) A non-refundable check, payable to Lubbock County, in the amount of \$250.00 shall accompany this Application.
- 2) The Applicant will bear the cost of surveying and preparing the Right-of-Way documents needed to file with the County Clerk's office as well as the recording/filing fee. The portion of the road that is to be changed shall be filed in the deed records of the county and will serve as the official instrument of conveyance from the county to the owner of the abutting property. The document shall:
 - a. include the name of each property owner who receives a conveyance under this section;
 - b. include the dimensions of the area being conveyed to each property owner;
 - c. be indexed in the deed records of the county in a manner that describes:
 - i. the county conveying the property as grantor; and
 - ii. The property owner receiving the conveyance as grantee; and
 - d. if public utility or common carrier that has the right of eminent domain is using the property being conveyed for a right-of-way or easement purpose, state that the title to the property is subject to the right-of-way or easement and the continued use by the public utility or common carrier of utility infrastructure in existence on the date the order is signed.
- 3) The Applicant may not enjoin the entry or enforcement of an order of a commissioner's court, acting at the request of any person or on its own initiative, to close, abandon, and vacate a public road or portion of a public road unless the property owner is entitled to an injunction because:
 - a. The person owns property that abuts the portion of the road being closed, abandoned, and vacated; or
 - b. The portion of the road being closed, abandoned, and vacated provides the only ingress to or egress from the person's property.
- 4) Not later than the 30th day before the date an order is signed, the commissioner's court shall notify a public utility or common carrier described by Subsection 6(d) of the proposal to close, abandon, modify and/or vacate the public road or portion of the public right-of-way.
- 5) This section does not deprive a person whose property abuts the road at a point other than the portion of the road being closed, abandoned, and vacated of a right to seek compensation for damages by:
 - a. Any depreciated in the value of the property; or
 - b. Any impairment to the property owner's right of ingress to or egress from the property.
- 6) If a commissioner's court closes, abandons, and vacates a public road or a portion of a public road at the request of an owner of property that abuts the portion of the road being closed, abandoned, and vacated, the commissioner's court may require the owner to:
 - a. pay all reasonable administrative costs incurred for processing the request and recording the order described by section 6 in the county deed records; and
 - b. reimburse the county for the market value of any property interest conveyed to the owner.
- 7) If the closure is accepted, the Applicant shall assume all risks and hazards incidental to its use of the County's road and/or alley under this closure and hold harmless Lubbock County, its officers, employees and agents from any and all claims arising out of Applicant's performance under this closure.
- 8) The matter discussed in this Application will be heard in commissioner's court for final approval.



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Authority and Duty of County Commissioners Court to Change a County Road, Right-of-Way or Easement

Local Government Code:

- Sec. 251.016. **General County Authority over Roads.**
- Sec. 251.051. **General Authority of Commissioners Court.**
- Sec. 251.052. **Public Application for New Road or Road Change.**
- Sec. 251.055. **Extending Farm-To-Market Road in Adjoining County.**
- Sec. 251.056. **Roads Across Public Real Property.**
- Sec. 251.057. **Abandonment of County Road.**
- Sec. 251.058. **Closing, Abandoning, and Vacating Public Road.**
- Sec. 251.059. **Maintaining Established County Roads.**