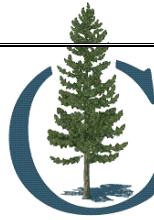


Nancy S. Mikeska, Director



Chuck Purvis, Certified Building Official

CITY OF CONROE  
COMMUNITY DEVELOPMENT  
(936) 522-3610

# **CITY OF CONROE COMMUNITY DEVELOPMENT**

## **Alleys, Easements, Right-of-Way, Abandonment (Closing) Information**

**ALLEYS, EASEMENTS, RIGHTS-OF-WAY  
(ABANDONMENT)**

**Section 58-281, Article V, Code of Ordinances, City of Conroe**

City Council has the authority to abandon Alleys, Easements and Public Rights-of-Way provided the procedure below is followed:

1. Owners requesting the abandonment shall use the attached City of Conroe forms to apply for the abandonment. A copy of the City of Conroe “AGENCIES REQUIRING APPROVAL” form should be attached to each of the private utility agencies’ request forms, when applying for signatures from the private utility agencies. The attached private utility agency abandonment request forms are for the applicant’s convenience, but should be verified for validity by each utility agency.
  
2. Submit the completed documents to the Director of Community Development, with a letter requesting to be placed on the City Council Agenda for the next available meeting.

The Director of Community Development shall have staff investigate the location of the requested abandonment. Based on the existing use, the presence of existing utilities, the future need of the land and neighbors’ objections, the Director shall recommend either abandonment, or retention, of the alley, easement or right-of-way.

At the designated meeting, the City Council will make a final decision.

If City Council approves the request for abandonment, the City does not give a deed for the abandoned property.

Please see Article V. ABANDONMENT OF STREETS, ALLEYS AND EASEMENTS, Sec. 58-281-283, and Appendix A, Code of Ordinances, City of Conroe, for more information.

# CITY OF CONROE ABANDONMENT REQUEST FORM

Non-Refundable \$50.00

Street [ ]

Alleyway [ ]

Easement [ ]

I, \_\_\_\_\_ The Owner(s) of \_\_\_\_\_

Request that the City of Conroe abandon the item(s) as highlighted on the attached map.

**Subdivision Name:** \_\_\_\_\_

**Real Property Recording Reference:** \_\_\_\_\_

**Streets and Alleyways:** Block # \_\_\_\_\_

**Other Easements:** Parcel #: \_\_\_\_\_

**Between:** \_\_\_\_\_

Including the name, address (as indicated on current tax roll), and property tax account number for all abutting property owners. Also, include an addressed envelope with first class postage to each abutting property owner who did not sign a consent form. If a consent form for any abutting property owner is not provided, then an explanation is required from the applicant.

Name	Address	Tax Account Number	Phone Number

Abandonment relinquishes the public right, title and interest in a street, alley or other easement. Private property rights, including private easements and access rights, possessed by abutting owners, are not affected.

**Items Required With Application:**

**For City Use**

- |    |   |     |
|----|---|-----|
| 1. | A detailed ownership map of the area.   | [ ] |
| 2. | Consent form from each abutting property owner.                               | [ ] |
| 3. | Signature from each utility Company.  | [ ] |
| 4. | Envelopes with First Class Postage for each owner not providing consent form. | [ ] |

## Agencies Requiring Approval

	Agency	Name	Objection *
1.	<b>CENTERPOINT ENERGY</b> (713) 207-6348 / (713) 207-5769	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<b>CONSOLIDATED COMMUNICATIONS</b> (936) 539-7340	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	<b>ENTERGY ENGINEERING &amp; MAPPING DEPARTMENT</b> (936) 760-7040	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	<b>SUDDENLINK COMMUNICATIONS</b> (936) 672-5739	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	<b>CITY OF CONROE ENGINEERING DEPARTMENT</b> (936) 522-3100	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No

\*Objection shall be explained below:

---



---

I, \_\_\_\_\_ agree, as the applicant, to indemnify and hold harmless the City, its officers, agents, and employees from any claims or causes of action related to or arising out of the abandonment, including claims for loss of access by parties not joining the application.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

**NOTICE:** City Council shall conduct a public hearing before authorizing abandonment. 10 days before the date of the hearing, notice of the date, time, and place of the hearing must be published in a newspaper or general circulation within the city. Written notice of the public hearing must be mailed by First Class mail to each abutting property owner(s) who have not joined the application at least 10 days before date of the public hearing.

1. Q: What is the difference between a Consent to Encroachment and a Release of Easement?  
A: Consent to Encroachment is permission granted by CenterPoint Energy Houston to have a permanent structure located in an easement. A Release of Easement is when CenterPoint Energy Houston gives up its rights and interest to an easement.
  
2. Q: Can you release part of an easement?  
A: The strict answer to the question is yes. However, CenterPoint Energy Houston's policy regarding the request for a release of part of an easement, or partial release, is to obtain a new easement covering the specific area in question and release the old easement in its entirety.
  
3. Q: What is an aerial easement?  
A: An aerial easement is similar to an imaginary alphabet letter "T". The ground easement would be the area at the base of the "T" and the portion above the top of the "T" would be an area referred to as the aerial easement area. The aerial easement is designed to maintain a safe distance from the wires, which will move from side to side when the wind blows.
  
4. Q: When can an aerial easement be released?  
A: An aerial easement can be released when there are no overhead facilities located in the easement and there are no future plans to build overhead facilities in the easement.
  
5. Q: Can I get a refund on the processing fee if I do not get the release of easement?  
A: No, the processing fee is for the research necessary to determine if CenterPoint Energy Houston can release the easement.
  
6. Q: Can the language be changed in the Release of Easement instrument?  
A: The language contained in CenterPoint Energy Houston's release of easement document has been developed and approved by CenterPoint Energy's law department for the specific purpose of releasing the Company's easement rights. Any deviation from the pre-approved format would cause long and costly delays in the issuance of a document. Therefore, changing the document language is not recommended.
  
7. Q: How long does it take to process a release of easement?  
A: The processing time will vary due to a number of factors. When a Release of Easement application and check is received in our office:
  - 1) The request is sent to the Service Center Representative (SCR) who handles that area.
  - 2) The SCR will check to see if a new easement needs to be secured before the old one can be released.
  - 3) In some cases, the relocation of facilities might also need to be done before we can release the easement. Therefore, a definite time period cannot be quoted, however when no facilities exist in the easement to be released, the rate schedule applies.
  
8. Q: When can't the release of easement be granted?  
A: There are a number of reasons why a release of easement cannot be granted:
  - 1) There are facilities that cannot be relocated in the easement.
  - 2) The release would create a non-standard easement.
  - 3) The release removes a portion within the easement, not at the end of the easement.
  - 4) The easement is to be used for a feeder tie.
  
9. Q: If I only want a release from one of the utilities, is the processing fee still the same?  
A: Yes, when researching your request, we check for both gas and electric utilities, and will provide the release(s) based on the research.



RELEASE OF EASEMENT APPLICATION FORM

SURVEYING & RIGHT OF WAY

1111 Louisiana Street 7th Floor
Houston, Texas 77002

TELEPHONE: (713) 207-6348or (713) 207-5769

STREET ADDRESS
FOR THE PROPERTY:

Date of Application

REQUESTOR INFORMATION: (Print or Type Only)

Name: Individual

Company

Phone Number

Address

City

State

Zip Code

E-mail Address:

PROPERTY LEGAL DESCRIPTION (Including Recording References)

THE FOLLOWING INFORMATION MUST BE INCLUDED WITH THIS APPLICATION:

- 1. Three (3) copies of a property survey or drawing highlighting the easement(s) to be released. Said survey or drawing must be legible, show clear details and include a north arrow.
2. If improvements are being made to the property (new building or additions to an existing building), three (3) copies of the site plan should be included.
3. A non-refundable processing fee made payable by check or money order to CenterPoint Energy Houston must accompany this application before it can be processed. Select service from rate schedule below:

RATE SCHEDULE

- Within 14 working days \$500.00
Within 7 working days \$800.00
Within 4 working days \$1200.00
Within 2 working days \$1500.00

The scheduled turnaround times are null & void if electrical/gas facilities are located within the easement to be released.

The submitted information will be reviewed to determine if the easement in question can be released, based on existing and/or future needs of this Company.

If approved, we will prepare a recordable form instrument to be executed by the appropriate authority. The requestor will be provided with an original executed instrument for reference.

If facilities exist there will be a minimum of 5-6 weeks for the release of easement to process to be completed. Should the relocation of facilities be necessitated by said release, the cost of such relocation(s) will be borne by a party or parties other than CenterPoint Energy Houston Electric, LLC or CenterPoint Energy Houston and must be paid before the release is granted. Also, the acquisition of new easements or the relocation/removal of facilities must be completed prior to CenterPoint Energy issuing a release of easement.

CenterPoint Energy Houston will make every effort to expedite your request as we realize that the processing of your request may be delaying a closing, building permit, or other important transaction.

I certify that the information provided is accurate and I realize that any inaccuracy or missing information, including failure to sign below, may delay processing or invalidate this application.

Signature of Requestor

SURVEY & PLOT PLAN

Scale: 1" = 20'



Residue of  
RESERVE "D"

Lot 21

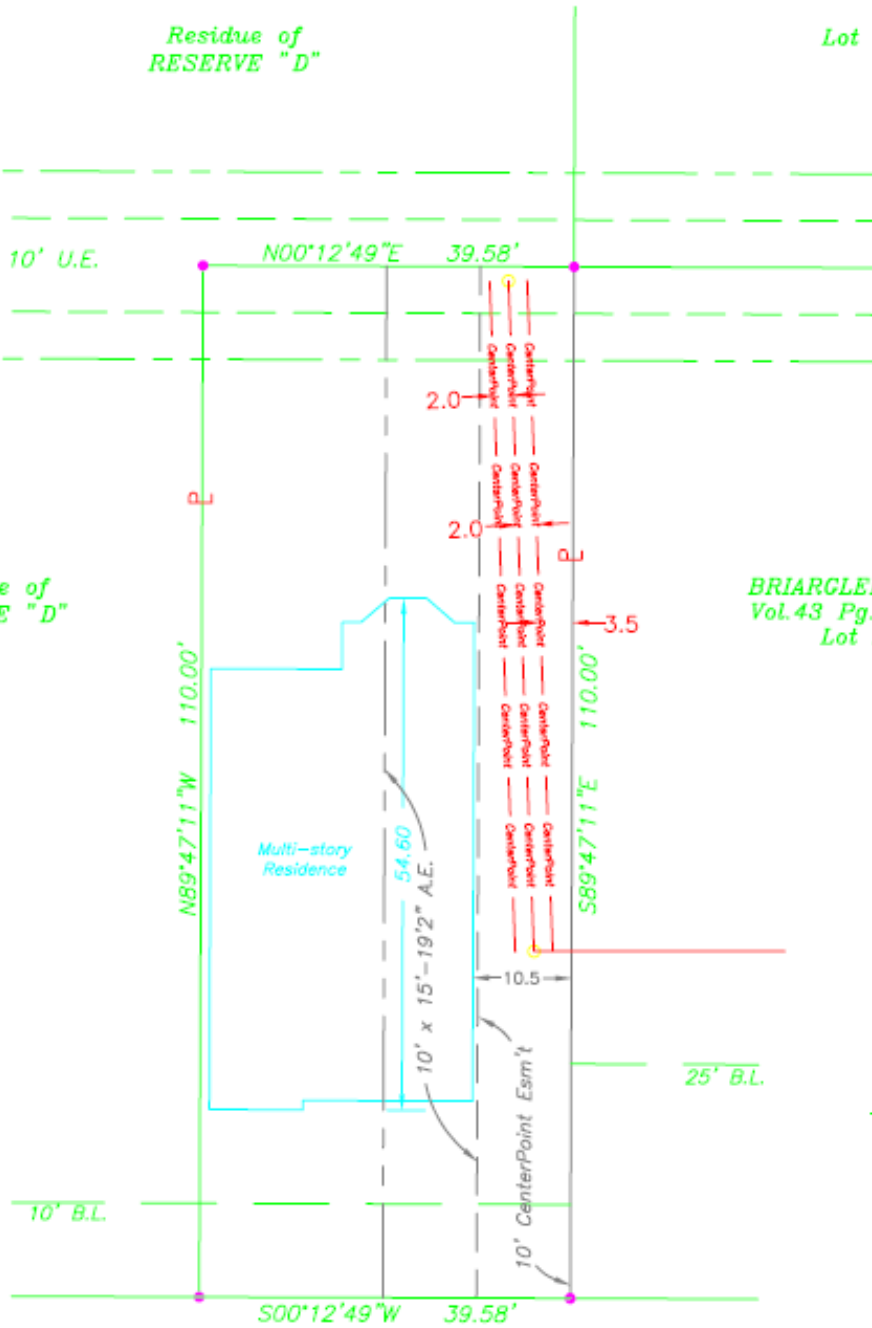
5' DED. A.E.

DED. 10' U.E.

5' DED. A.E.

Residue of  
RESERVE "D"

BRIARGLEN SUBD.  
Vol.43 Pg.59 M.R.  
Lot 20



LEGEND

- = Call & Fnd. 5/8" I.R. Unless Otherwise Noted.
- = Utility Pole

Sheet 1 of 2

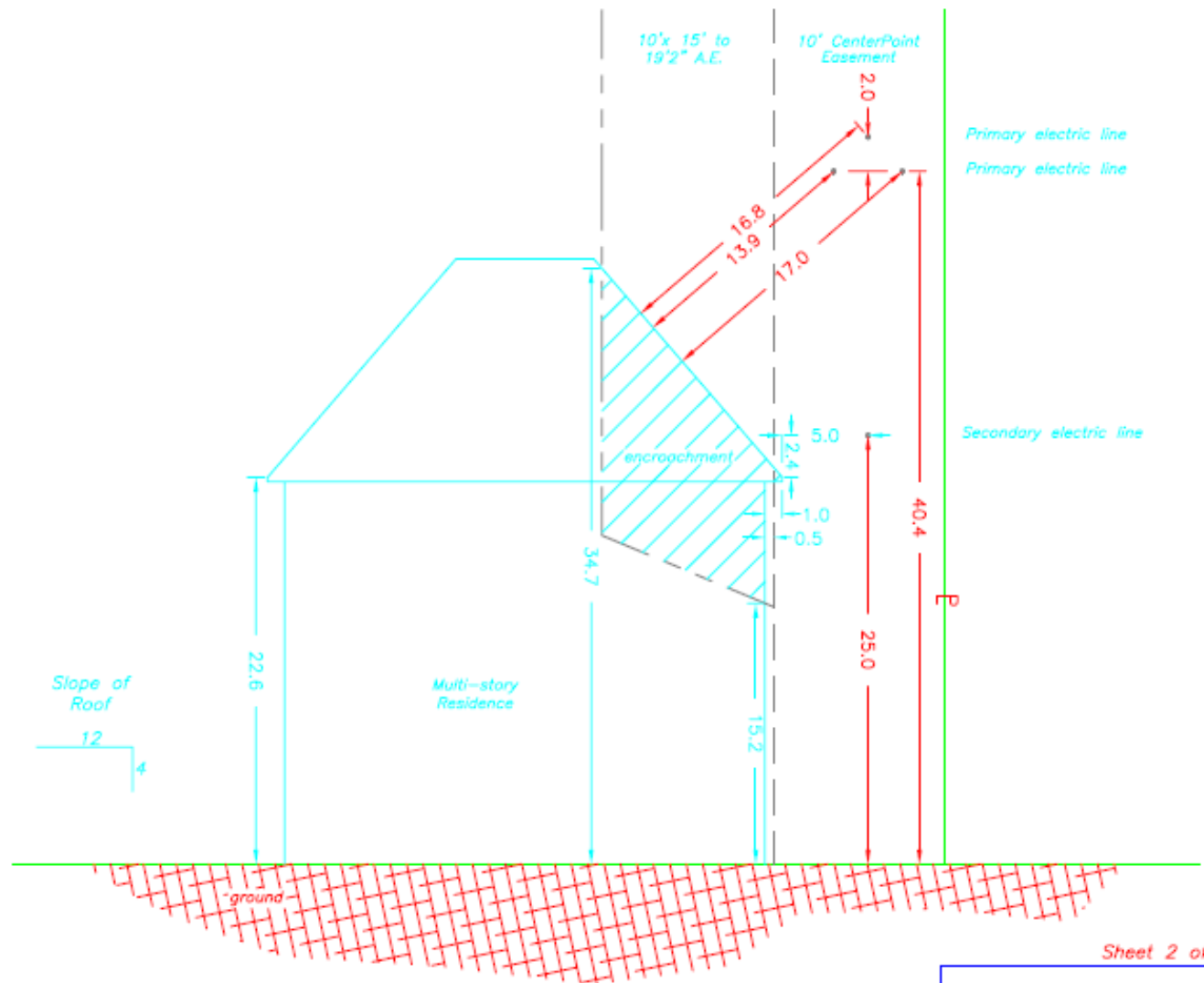
SURVEYOR'S SEAL

SAMPLE ENCROACHMENT SKETCH

Miscellaneous information  
Harris County, Texas

space reserved  
for CenterPoint use

PROFILE VIEW  
View looking West  
Scale: 1" = 10'



Sheet 2 of 2

SURVEYOR'S SEAL

SAMPLE ENCROACHMENT SKETCH

Miscellaneous information  
Harris County, Texas

space reserved  
for CenterPoint use





**STREET/ALLEY CLOSURE APPLICATION FORM**  
**SURVEYING & RIGHT OF WAY**  
**1111 LOUISIANA, 7<sup>TH</sup> FLOOR, HOUSTON, TEXAS 77002**  
TELEPHONE (713) 207-5769 or (713) 207-6348; FACSIMILE (713) 207-9040

**STREET ADDRESS**

**FOR THE PROPERTY:** \_\_\_\_\_

\_\_\_\_\_ Date of Application

**REQUESTOR INFORMATION: (Print or Type Only)**

Name: Individual \_\_\_\_\_

Company \_\_\_\_\_

Phone Number \_\_\_\_\_

E-mail address: \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

**LOCAL GOVERNMENTAL ENTITY (City or County that Requestor is asking to close the street or alley)**

\_\_\_\_\_ Governmental Entity Name

\_\_\_\_\_ Governmental Official/Phone Number

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

**THE FOLLOWING INFORMATION MUST BE INCLUDED WITH THIS APPLICATION:**

1. Four (4) copies of a property survey or drawing, a **maximum of 8.5" X 14"**, of legible and clear detail, indicating all dimensions of the portion of the street(s)/alley(s) to be abandoned, including the legal description and a north arrow, as well as the ownership information of all landowners adjacent to the street/alley to be abandoned.
2. If CenterPoint Energy facilities are located within the street or alley, please check here \_\_\_\_\_ and advise CenterPoint Energy if the facilities serve only your property and if so, will this service be removed or not.
3. Copies of any and all motions, letters, or drawings provided by the local governmental entity involved.
4. **A non-refundable processing fee of \$500.00 made payable by check to CenterPoint Energy must accompany this application before it can be processed.**

If this request is approved, a letter will be issued by CenterPoint Energy, addressed to the appropriate government office, providing the Company's approval to the closure request. This letter will be forwarded to the requestor unless CenterPoint Energy is requested otherwise.

If CenterPoint Energy's facilities must remain in a street/alley to be closed, new easements, as prepared by CenterPoint Energy must be granted by each adjacent landowner who will assume title to any portion of the street/alley before an approval letter will be issued. In addition to the processing fee, if CenterPoint Energy's facilities are located within the area to be abandoned, the cost for CenterPoint Energy to prepare these easement documents will be passed along to the requestor of this service.

CenterPoint Energy requires a time period of approximately 5-6 weeks for review and document preparation. In the event electrical facilities must be relocated or removed, or new easements granted because of this request, a longer time period may be required. Should the relocation of CenterPoint Energy's facilities be necessitated by said request, the cost of such relocation(s) will be borne by a party or parties other than CenterPoint Energy and must be paid before approval is granted. Also, the acquisition of new easements or the relocation/removal of facilities must be completed prior to Center Point Energy issuing any letter of approval.

Please be assured that CenterPoint Energy is aware of the urgent nature of your request and will make every effort to expedite the completion of your request.

**I certify that the information provided is accurate and I realize that incomplete information may delay processing or invalidate this application.**

\_\_\_\_\_  
Signature of Requestor



**CONSENT TO ENCROACHMENT APPLICATION FORM  
(FOR EXISTING STRUCTURES and/or PAVING)  
SURVEYING & RIGHT OF WAY**

TELEPHONE (713) 207-5769 or (713) 207-6348; FACSIMILE (713) 207-9040  
ADDRESS: 1111 LOUISIANA ST, 7<sup>TH</sup> FLOOR, HOUSTON 77002

\_\_\_\_\_ Date of Application

**STREET ADDRESS FOR THE PROPERTY:** \_\_\_\_\_

**OWNERSHIP:** \_\_\_\_\_  
(Name) (Title; Vice President or higher) (Company)

**REQUESTOR INFORMATION: (Print or Type Only)**  
E-mail Address: \_\_\_\_\_

Name: Individual \_\_\_\_\_ Company \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**THE FOLLOWING INFORMATION MUST BE INCLUDED WITH THIS APPLICATION:**

1. TWO (2) ORIGINAL, CERTIFIED SURVEYS OF THE PROPERTY, A **MAXIMUM OF 8.5" X 14"**, INDICATING ALL DIMENSIONS OF THE ENCROACHMENT(S), INCLUDING A NORTH ARROW, MUST BE PROVIDED. **The survey must include CURRENT OWNERSHIP INFORMATION, NOT PURCHASER'S NAMES, the legal description of the property (including recording information), and be sealed by the Registered Professional Surveyor who performed the survey.**
2. FOR ANY STRUCTURE MORE THAN ONE (1) FOOT ABOVE GROUND LEVEL AND/OR FOR ANY STRUCTURES BELOW GROUND LEVEL ENCROACHING INTO AN EASEMENT, TWO (2) COPIES OF AN ORIGINAL, CERTIFIED PROFILE SURVEY, IF NOT MADE A PART OF THE ABOVE SURVEY, MUST ALSO BE INCLUDED. Profile surveys are not required for swimming pools that are encroaching into an easement where no overhead facilities are located anywhere in the vicinity of that easement. **The profile survey must include all structural encroachments such as chimneys, eaves, balconies, pipelines, conduits, etc., and provide all vertical, horizontal and depth dimensions, including the distances from CenterPoint Energy's overhead electrical facilities and/or underground gas or electrical facilities, if applicable. For any swimming pool encroachment, only the distance from CenterPoint Energy's overhead facilities to the edge of the pool water wall must be included.**
3. CenterPoint Energy has prepared a set of specifications that has been given to registered surveyors in the immediate service area which provides instructions as to the exact type of information required for the processing of an encroachment. Sample surveys are available at CenterPoint Energy's Surveying & Right of Way web site. The link to the web site is located on the left hand side of the page at web address: <http://www.centerpointenergy.com/houston/business>.
4. **A non-refundable application fee of \$500.00, made payable by check to CenterPoint Energy, must accompany this application. Should the adjustment of CenterPoint Energy facilities, in the sole opinion of CenterPoint Energy, be necessitated by such encroachment(s), the cost of such adjustments, plus any required engineering costs, will be borne by a party or parties other than CenterPoint Energy and such costs must be paid and such adjustments completed before a Consent to Encroachment instrument will be granted. If any CenterPoint Energy facilities require physical location, in the field, as part of the review process, an additional fee of \$200.00 per hour or a minimum fee of \$800.00, whichever is greater, must be paid within 10 working days of notice of said required work. If the application is approved, an additional nonrefundable fee of \$500.00 must be paid within 10 working days of notice of approval. If any previous existing encroachment has been approved for this Applicant, or any affiliate thereof, then the aforementioned additional non-refundable fee shall be \$5,000.00. If a three working day processing time is required by Applicant, then the non-refundable application fee shall be \$1,500.00 and must accompany this application. Any facility adjustment or location fees will be in addition to the above fee. Please be advised that any actual adjustment of facilities or required physical location of facilities could potentially require a significantly longer processing time.**

If a Consent to Encroachment is approved, CenterPoint Energy will prepare duplicate original instruments to be signed by the record owner(s) of the property. Both originals of the instrument must be returned for signature by CenterPoint Energy. A fully executed original will be returned to you for your files and an original will be placed of public record by CenterPoint Energy. CenterPoint Energy will make every effort to expedite your request as we realize that the processing of your request may be delaying a closing, building permit, or other important transaction.

**I certify that the information provided is accurate and I realize that incomplete information may delay processing or invalidate this application.**

Signature of Requestor..... \_\_\_\_\_

## Agencies Requiring Approval

	Agency	Name	Objection *
1.	<b>CENTERPOINT ENERGY</b> (713) 207-6348 / (713) 207-5769	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<b>CONSOLIDATED COMMUNICATIONS</b> (936) 539-7340	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	<b>ENTERGY ENGINEERING &amp; MAPPING DEPARTMENT</b> (936) 760-7040	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	<b>SUDDENLINK COMMUNICATIONS</b> (936) 672-5739	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	<b>CITY OF CONROE ENGINEERING DEPARTMENT</b> (936) 522-3100	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No

\*Objection shall be explained below:

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I, \_\_\_\_\_ agree, as the applicant, to indemnify and hold harmless the City, its officers, agents, and employees from any claims or causes of action related to or arising out of the abandonment, including claims for loss of access by parties not joining the application.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

**NOTICE:** City Council shall conduct a public hearing before authorizing abandonment. 10 days before the date of the hearing, notice of the date, time, and place of the hearing must be published in a newspaper or general circulation within the city. Written notice of the public hearing must be mailed by First Class mail to each abutting property owner(s) who have not joined the application at least 10 days before date of the public hearing.



Consolidated Communications  
P.O. Box 1568  
508 Old Magnolia Rd.  
Conroe, Texas 77305  
Phone (936) 539-7340

Dear Consolidated Customer:

Attached is the easement release you requested. To become official record, this document should be recorded at the Montgomery County Clerk's office at your earliest convenience. If you have any questions, please call me at (936) 539-7340.

Sincerely,

Consolidated Communications  
Troy Allen Neumann  
Engineer – OSP

RELEASE OF EASEMENT

THE STATE OF TEXAS           §  
COUNTY OF MONTGOMERY   §

KNOW ALL MEN BY THESE PRESENTS:

That for good and valuable consideration, receipt of which is hereby acknowledged, Consolidated Communications whose mailing address is P. O. Box 1568, Conroe, Texas, 77305, has released relinquished and quitclaimed, and by these presents does release, relinquish and quitclaim, all its rights and privileges in and to the following described utility easement:

A \_\_\_\_\_( \_ ') foot wide utility easement lying at the rear of Lot \_\_, Section \_\_, Block \_\_ of \_\_\_\_\_ Subdivision, Montgomery County, Texas as per plat recorded in Cabinet \_\_, Sht. \_\_\_\_-\_\_\_\_ of the Map Records of Montgomery County, Texas.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Consolidated Communications  
BY: \_\_\_\_\_  
NAME: Troy Allen Neumann  
TITLE: Engineer - OSP

STATE OF TEXAS           §  
COUNTY OF MONTGOMERY   §

BEFORE ME, the undersigned authority, on this day personally appeared Troy Allen Neumann of Consolidated Communications, a utility district, known to me to be the person whose name is subscribed to the above and foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_).

\_\_\_\_\_  
Notary Public in and for the State of Texas

## Agencies Requiring Approval

	Agency	Name	Objection *
1.	<b>CENTERPOINT ENERGY</b> (713) 207-6348 / (713) 207-5769	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<b>CONSOLIDATED COMMUNICATIONS</b> (936) 539-7340	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	<b>ENERGY ENGINEERING &amp; MAPPING DEPARTMENT</b> (936) 760-7040	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	<b>SUDDENLINK COMMUNICATIONS</b> (936) 672-5739	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	<b>CITY OF CONROE ENGINEERING DEPARTMENT</b> (936) 522-3100	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No

\*Objection shall be explained below:

---



---

I, \_\_\_\_\_ agree, as the applicant, to indemnify and hold harmless the City, its officers, agents, and employees from any claims or causes of action related to or arising out of the abandonment, including claims for loss of access by parties not joining the application.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

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## **Entergy Easement Abandonment & Encroachment Process**

Entergy requires a \$100.00 fee to be paid for providing a Letter of “no objection” for an easement, alley or right-of-way abandonment or an encroachment.

Please provide a letter to Entergy requesting the abandonment or encroachment, including information on the location of the property in question, such as a location map, an easement map and the existing easement documents.

Mail the letter, information and payment to:      Entergy  
   9425 Pinecroft  
   The Woodlands, TX 77380  
   Attn: Mr. Bo Harrison

OR

Fax the letter and information to:                      Entergy  
   Mr. Bo Harrison  
   936-760-7060

OR

Email the letter and information to:                  rharri7@entergy.com

**\*\*Please note: If you email or fax the letter and information, you must make payment arrangements also.**

***Mr. Russell (Bo) Harrison’s phone number at Entergy is 936-760-7040.***

## Agencies Requiring Approval

	Agency	Name	Objection *
1.	<b>CENTERPOINT ENERGY</b> (713) 207-6348 / (713) 207-5769	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<b>CONSOLIDATED COMMUNICATIONS</b> (936) 539-7340	_____ Signature  _____ Title	<input type="checkbox"/> Yes <input type="checkbox"/> No
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I, \_\_\_\_\_ agree, as the applicant, to indemnify and hold harmless the City, its officers, agents, and employees from any claims or causes of action related to or arising out of the abandonment, including claims for loss of access by parties not joining the application.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

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