

DRAFT FORMS RELATED TO CERTIFICATES FOR UTILITIES UNDER CHAPTER 212 AND SUBCHAPTER B OF CHAPTER 232 OF THE TEXAS LOCAL GOVERNMENT CODE (“LGC”)

These draft forms are examples that should be reviewed and adapted by counsel before use. Changes may be needed depending upon whether the planning commission or the city council is the municipal authority responsible for approving plats, whether the presiding officer and the secretary, or a majority of the members of an authority are available to sign the certificate, whether the authority to issue a certificate has been delegated under LGC § 212.0115, etc. When considering the use of a form below for a particular situation, please consult the Checklists for Utility Connection Eligibility to determine whether the applicant will meet the full criteria under one of the certificates or whether there may be some other option for obtaining utilities.

CITY

City Certificate of Plat Approval under LGC § 212.009(c) and 212.0115(b) *by planning commission*

City Certificate of Plat Approval under LGC § 212.009(c) and 212.0115(b) *by city council*

Request for City Certificate of Compliance under LGC § 212.0115(e)

City Certificate of Compliance under LGC § 212.0115(e) *if issued by planning comm. or city council*

City Certificate of Compliance under LGC § 212.0115(e) *if authority to issue has been delegated under LGC §212.0115(i)*

Affidavit to Apply for City Certificate of Residence Construction § 212.012(f)(2)

City Certificate of Residence Construction Under LGC §212.012(d)(1)

Affidavit to Apply for City Certificate of Water Service Availability §212.012(f)(3)

City Certificate of Water Service Availability under LGC §212.012(d)(3)

COUNTY

County Certificate of Plat Approval under LGC § 232.028(a)

Request for County Certificate of Plat and Utility Status under LGC § 232.028(b)

County Certificate of Plat and Utility Status under LGC § 232.028(b)

Affidavit to Apply for County Certificate of Residence Construction 232.029(c)(1) and § 232.0291(d)(1), (f)

County Certificate of Residence Construction under LGC § 232.029(c)(1) and § 232.0291(d)(1)

Affidavit to Apply for County Certificate of Water Service Availability § 232.029(e)(3) and § 232.0291(g)

County Certificate of Water Service Availability under LGC §232.029(c)(3) and § 232.0291(d)(2)

CITY OF _____

CERTIFICATE OF PLAT APPROVAL

UNDER LOCAL GOVERNMENT CODE §§ 212.009(c) AND 212.0115(b)

[Use when the City Council is the municipal authority responsible for approving plats.]

WE THE UNDERSIGNED CERTIFY that this plat of the _____ subdivision was reviewed and approved by the City Council of the City of _____ on _____, 20 _____.

Mayor of the City of _____

Date

ATTEST: _____
Clerk of the City of _____

Date

**REQUEST FOR
CITY OF _____
CERTIFICATE OF COMPLIANCE
UNDER TEXAS LOCAL GOVT. CODE § 212.0115(e)**

This part to be filled out by requesting party:

In my status and for the land indicated below, which is located inside the city limits or the extraterritorial jurisdiction (as defined in Chapter 212 of the Texas Local Government Code) of the City of _____, I request that the authorized city official or officials make the determinations and if appropriate issue the certificate of compliance as provided for in Texas Local Government Code § 212.0115(e):

PARTY MAKING REQUEST:

Name: _____
Address: _____

Phone: _____

IDENTIFICATION OF LAND (e.g., lot and block number of recorded subdivision, designation on plat, description in deed, etc.):

STATUS OF PERSON OR ENTITY MAKING REQUEST:

_____ Owner of land
_____ Entity that provides utility service
_____ Governing body of municipality

_____ Requesting Party (signature) Date

ATTACHED COPY OF VERIFICATION OF OWNERSHIP OF LAND:

_____ Deed _____ Affidavit
_____ Executory Contract _____ Other (describe) _____

This part to be filled out by receiving city official:

Location of land verified and completed request accepted by City of _____ for processing on _____ (date) by _____ (city official).

AFFIDAVIT

**TO APPLY TO THE CITY OF _____
FOR CERTIFICATE OF RESIDENCE CONSTRUCTION UNDER
TEXAS LOCAL GOVT. CODE § 212.012(f)(2)**

[Notes: Neither the land’s subdivider nor the subdivider’s agent is eligible for utility service under a Certificate of Residence Construction. This kind of certificate is available only for land outside city limits.]

THE STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me [or proved to me on the oath of _____ or through _____ (*description of federal or state government ID card with photograph and signature*)], who swore on oath that the following statements are true:

- 1. “I am requesting utility service to the following-described land:

_____.”

[Insert lot and block number in recorded subdivision, address, or description in deed, etc.]

- 2. “The land described above was sold or conveyed to me before September 1, 1995, or September 1, 2005 in a county defined under § 232.022(a)(2).”
- 3. “Construction of a residence on the land described above (evidenced by at least the existence of a completed foundation) was begun on or before May 1, 2003 or September 1, 2005 in a county defined under § 232.022(a)(2).”

_____ (signature)

SUBSCRIBED AND SWORN TO before me on _____, 20____, to certify which, witness my hand and seal of office.

NOTARY PUBLIC IN AND
FOR THE STATE OF TEXAS

**CITY OF _____
 CERTIFICATE OF RESIDENCE CONSTRUCTION
 UNDER TEXAS LOCAL GOVT. CODE § 212.012(d)(1)**

Upon the application of:

Name _____

Address _____

Phone _____,

who is the person requesting utility service to subdivided land (“land”) described as follows:

which land is located within the extraterritorial jurisdiction of the City of _____ as defined by Local Government Code § 212.001, on _____, 20 _____, the Planning Commission [*or City Council, whichever is the municipal authority responsible for approving plats*] of the City of _____ approved the issuance of this certificate stating as follows:

- (1) the land, before September 1, 1995, was sold or conveyed to the person requesting service by any means of conveyance, including a contract for deed or executory contract or September 1, 2005 in a county defined under § 232.012(a)(2);
- (2) the land is located in a subdivision in which the following entity or entities have previously provided utility service: _____ [*list utilities*];
- (3) the land is located outside the limits of the City of _____;
- (4) the land is located in a county to which Subchapter B, Chapter 232, Local Govt. Code applies; and
- (5) the land is the site of construction of a residence, evidenced by at least the existence of a completed foundation, that was begun on or before May 1, 2003 or September 1, 2005 in a county defined under § 232.012(a)(2).

_____	_____	_____	_____
Chair, Planning Commission	Date	Mayor	Date

ATTEST: **OR ATTEST:**

_____	_____	_____	_____
Secretary, Planning Commission	Date	City Secretary	Date

AFFIDAVIT

**TO APPLY TO THE CITY OF _____
FOR CERTIFICATE OF WATER SERVICE AVAILABILITY UNDER
TEXAS LOCAL GOVT. CODE § 212.012(f)(3)**

[Note: To be eligible, the land must not have been subdivided after September 1, 1995 in a county defined under § 232.022(a)(1) or September 1, 2005 in a county defined under § 232.022(a)(2).]

THE STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me [or proved to me on the oath of _____ or through _____ (description of federal or state government ID card with photograph and signature)], who swore on oath that the following statements are true:

- 1. "I am requesting utility service to the following-described land:
_____.

[Insert lot and block number in recorded subdivision, address, or description in deed, etc.]

- 2. "The land described above has been sold or conveyed to me, but it was not sold or conveyed to me by the subdivider or the subdivider's agent after September 1, 1995 in a county defined under §232.022(a)(1) or September 1, 2005 in a county under § 232.022(a)(2)."

_____ (signature)

SUBSCRIBED AND SWORN TO before me on _____, 20 _____, to certify which, witness my hand and seal of office.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

**CITY OF _____
CERTIFICATE OF WATER SERVICE AVAILABILITY
UNDER TEXAS LOCAL GOVT. CODE § 212.012(d)(3)**

Upon the application of:

Name _____

Address _____

Phone _____,

who is the person requesting utility service to subdivided land ("land") described as follows:

_____,
[Insert the lot and block number in recorded subdivision, address, or description in deed, etc.]

and who has submitted to the city an affidavit as required by Local Govt. Code § 212.012(f), on _____, 20 _____, the Planning Commission [or City Council, whichever is the municipal authority responsible for approving plats] of the City of _____ approved the issuance of this certificate stating as follows (*strike through the statement that does not apply*):

The land was not subdivided after September 1, 1995 in a county defined under § 232.022(a)(1) or September 1, 2005 in a county defined under § 232.022(a)(2), and water service is available within 750 feet of the land.

-OR-

The land was not subdivided after September 1, 1995 in a county defined under § 232.022(a)(1) or September 1, 2005 in a county defined under § 232.022(a)(2), water service is available more than 750 feet from the subdivided land, and the extension of water service to the land may be feasible, subject to a final determination by the water service provider.

Chair, Planning Commission

Date

Mayor

Date

ATTEST:

OR ATTEST:

Secretary, Planning Commission

Date

City Secretary

Date

_____ COUNTY
CERTIFICATE OF PLAT APPROVAL
UNDER LOCAL GOVERNMENT CODE § 232.028(a)

WE THE UNDERSIGNED CERTIFY that this plat of the _____ subdivision was reviewed and approved
by the _____ County Commissioners Court on _____, 20 _____.

_____ County Judge _____
Date

ATTEST: _____
_____ County Clerk _____
Date

_____ COUNTY
CERTIFICATE OF PLAT APPROVAL
UNDER LOCAL GOVERNMENT CODE § 232.028(a)

WE THE UNDERSIGNED CERTIFY that the attached plat of the subdivision known as

was reviewed and approved on _____, 20 _____, by the _____

County Commissioners Court.

_____ County Judge _____
Date

ATTEST: _____
_____ County Clerk _____
Date

**REQUEST FOR
_____ COUNTY
CERTIFICATE OF PLAT AND UTILITY STATUS
UNDER TEXAS LOCAL GOVT. CODE § 232.028(b)**

This part to be filled out by requesting party:

In my status and for the land indicated below, which is located outside of any municipality, I request that the _____ County Commissioners Court make the determinations regarding plat and utility status described in Texas Local Government Code § 232.028(b) and issue a certificate of such determinations:

PARTY MAKING REQUEST:

Name: _____

Address: _____

Phone: _____

IDENTIFICATION OF LAND (e.g., lot and block number of recorded subdivision, designation on plat, address, description in deed, etc.):

STATUS OF PERSON OR ENTITY MAKING REQUEST:

- _____ Subdivider
- _____ Owner of lot in a subdivision
- _____ Resident of lot in a subdivision
- _____ Entity that provides utility service

Requesting Party (signature) _____
Date

ATTACHED COPY OF VERIFICATION OF OWNERSHIP OR RESIDENCY OF LOT:

- | | |
|--------------------------|------------------------------|
| _____ Deed | _____ Rent receipt |
| _____ Executory Contract | _____ Affidavit |
| _____ Lease | _____ Other (describe) _____ |

This part to be filled out by receiving county official:

Location of land verified and completed request accepted by _____ County for processing on _____ (date) by _____ (county official).

**AFFIDAVIT
TO APPLY TO THE COUNTY OF _____
FOR CERTIFICATE OF RESIDENCE CONSTRUCTION UNDER
TEXAS LOCAL GOVT. CODE § 232.029(c)(1), (e) and 232.029(d)(1), (f)**

[Note: Neither the land's subdivider nor the subdivider's agent is eligible for utility service under a Certificate of Residence Construction.]

THE STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me [or proved to me on the oath of _____ or through _____ (*description of federal or state government ID card with photograph and signature*)], who swore on oath that the following statements are true:

1. "I am requesting utility service to the following-described land:

_____."

[Insert lot and block number in recorded subdivision, address, or description in deed, etc.]

AND [*strike through the statement below that does not apply*]

2A. "The land described above was sold or conveyed to me before September 1, 1995 or September 1, 2005 in a county defined under §232.022(a)(2), and construction of a residence on the land described above (evidenced by at least the existence of a completed foundation) was begun on or before May 1, 2003 or September 1, 2005 in a county defined under §232.022(a)(2)." **-OR-**

2B. "The land described above was on August 31, 1999, located in the extraterritorial jurisdiction of a municipality as determined by Local Govt. Code Chapter 42; the land was sold or conveyed to me before September 1, 1999; and construction of a residence on the land described above (evidenced by at least the existence of a completed foundation) was begun on or before May 1, 2003."

_____ (signature)

SUBSCRIBED AND SWORN TO before me on _____, 20_____, to certify which, witness my hand and seal of office.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

COUNTY OF _____
CERTIFICATE OF RESIDENCE CONSTRUCTION
UNDER TEXAS LOCAL GOVT. CODE § 232.029(c)(1) and 232.0291(d)(1)

Name _____
Address _____

Phone _____,

who is the person requesting utility service to subdivided land (or "land") described as:

_____ on _____, 20 _____, the _____ County Commissioners Court approved the issuance of this certificate stating as follows [*strike through the set of statements that does not apply*]:

- (1) before September 1, 1995 or September 1, 2005 in a county defined under § 232.022(a)(2), the subdivided land was sold or conveyed to the person requesting service by any means of conveyance, including a contract for deed or executory contract;
- (2) the land is located in a subdivision in which the following entity or entities have previously provided utility service: _____ [*list utilities*]; and
- (3) the land is the site of construction of a residence, evidenced by at least the existence of a completed foundation, that was begun on or before May 1, 2003 or September 1, 2005 in a county defined under § 232.022(a)(2);

-OR-

- (1) the land on August 31, 1999, was located in a the extraterritorial jurisdiction of a municipality, as determined by Local Govt. Code Chapter 42;
- (2) before September 1, 1999, the subdivided land was sold or conveyed to the person requesting service by any means of conveyance, including a contract for deed or executory contract;
- (3) the land is located in a subdivision in which the following entity or entities have previously provided utility service: _____ [*list utilities*]; and
- (4) the land is the site of construction of a residence, evidenced by at least the existence of a completed foundation, that was begun on or before May 1, 2003 or September 1, 2005 in a county defined under § 232.022(a)(2).

County Judge Date

ATTEST:

County Clerk Date

AFFIDAVIT

**TO APPLY TO THE COUNTY OF _____
FOR CERTIFICATE OF WATER SERVICE AVAILABILITY
UNDER TEXAS LOCAL GOVT. CODE § 232.029(e)(3) and 232.0291(g)**

[Note: To be eligible, the land must not have been subdivided after September 1, 1995 in a county defined under §232.022(a)(1) or September 1, 2005 in a county defined under §232.022(a)(2).]

THE STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me [or proved to me on the oath of _____ or through _____ (description of federal or state government ID card with photograph and signature)], who swore on oath that the following statements are true:

1. “I am requesting utility service to the following-described land:
_____.”

[Insert lot and block number in recorded subdivision, address, or description in deed, etc.]

2. “The land described above has been sold or conveyed to me.”

AND [strike through the statement below that does not apply]

3A. “The land was not sold or conveyed to me by the subdivider or the subdivider’s agent after September 1,1995 in a county defined under § 232.022(a)(1) or September 1, 2005 in a county defined under § 232.022(a)(2)..” **-OR-**

3B. “The land was on August 31, 1999, located in the extraterritorial jurisdiction of a municipality as determined by Local Govt. Code Chapter 42; and the land was not sold or conveyed to me by the subdivider or the subdivider’s agent after September 1, 1999 in a county defined under § 232.022(a)(1).”

_____ (signature)

SUBSCRIBED AND SWORN TO before me on _____, 20____, to certify which, witness my hand and seal of office.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

COUNTY OF _____
CERTIFICATE OF WATER SERVICE AVAILABILITY
UNDER TEXAS LOCAL GOVT. CODE § 232.029(c)(3) and 232.0291(d)(2)

Upon the application of:

Name _____

Address _____

Phone _____,

who is the person requesting utility service to subdivided land ("land") described as follows:

[Insert the lot and block number in recorded subdivision, address, or description in deed, etc.]

On _____, 20 _____, the _____ County Commissioners Court approved the issuance of this certificate stating as follows [*strike through the statement that does not apply*]

The land was not subdivided after September 1, 1995 in a county defined under § 232.022(a)(1) or September 1, 2005 in a county defined under § 232.022(a)(2), and water service is available within 750 feet of the land.

-OR-

The land was not subdivided after September 1, 1995 in a county defined under § 232.022(a)(1) or September 1, 2005 in a county defined under § 232.022(a)(2), water service is available more than 750 feet from the subdivided land and the extension of water service to the land may be feasible, subject to a final determination by the water service provider.

_____ County Judge _____
Date

ATTEST: _____

_____ County Clerk _____
Date