



CONVEYING PROPERTY/PROPERTY RIGHTS TO THE CITY OF GEORGETOWN, TEXAS

A Guide for Conveyance of Property or Property Rights into the City

ABSTRACT

Description of the policies and procedures for conveying title to the City of Georgetown.

Real Estate Services,
City Attorney's Office
City of Georgetown, Texas

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Introduction

A landowner must often provide the City with certain rights, up to and including fee simple title, in order for a development project to be approved or to obtain access to City services. The Unified Development Code identifies when easements or fee simple must be provided to the City, as well as guidance on the type, size, and timing of conveyance. City policies as described herein identify the procedure for conveying those rights into the City.

It is recommended that anyone looking to develop property within Georgetown's city limits or its extraterritorial jurisdiction reach out to the City's Real Estate group early in the project to avoid delays. In the following pages, detailed information on the process and requirements for conveyance of title are provided. However, it is important to remember that each property is unique, which may impact these timeline and requirements.

Standard Processes to Convey Property Rights to the City

To begin the conveyance process, send realestate@georgetown.org a completed Easement/Land Dedication Information Form, available at <https://realestate.georgetown.org>, with the required supporting information.

The general process for conveying property to the City is:

1. Applicant submits Easement/Land Dedication Information Form to City, with metes and bounds, survey sketch, title commitment, and proof of signature authority.
2. City prepares conveyance document using City's standard form, sends to Grantor.
3. Grantor executes conveyance document, mails original to City along with pre-paid return postage and executed lienholder consent form.
4. City reviews title commitment for matters that must be addressed prior to closing.
5. City signs conveyance document, sends to title company with either Title Objections letter or Closing Authorization letter.
6. Objectionable matters of title resolved (if applicable).
7. City issues Closing Authorization letter, signs required closing documents.
8. Closing and recordation of the conveyance document.
9. Original conveyance document returned to City with the title policy.

Certain conveyances do not require title insurance. The process for such is:

1. Applicant submits Easement/Land Dedication Information Form to City, with metes and bounds, survey sketch, and proof of signature authority.
2. City prepares conveyance document using City's standard form, sends to Grantor.
3. Grantor executes document, mails original to City with pre-paid return postage and executed lienholder consent form.
4. City signs conveyance document, returns to Applicant for recordation.
5. Conveyance document recorded and returned to City.

Conveyance Documents

The City has standard forms for easements and deeds, available for review at <https://realestate.georgetown.org>. These standard forms provide consistency across the City's infrastructure networks. The City shall prepare the conveyance document and include the necessary attachments based on information provided by the Applicant on the Easements/Land Dedication Information Form:

Required Attachments:

- Metes and bounds description (labeled Exhibit "A"), with a survey diagram of the area being conveyed (labeled Exhibit "B")
 - Must be signed and sealed by a Texas RPLS.
 - Additional survey work may be required in order to clear title.
- Lienholder subordination and consent form (if applicable).
 - Available for review on the City's real estate website.
 - Have lienholder sign, then submit with conveyance document.

Title Insurance Requirements

Title insurance is the method the City utilizes to manage risk associated with the acceptance, ownership, and management of real property. It also provides an accurate and time-efficient method of reviewing title. Without such insurance, City staff would either spend hours combing through the title record for possible conflicts or the City would risk accepting responsibility for infrastructure that may be subject to preexisting, conflicting rights, thereby risking the possibility that the City may someday be forced to relocate the infrastructure or condemn the preexisting interest.

Title insurance is required, to be provided at no cost to the City, for the following interests:

- Any easement serving three or more units or lots
- Any CIP or Master Plan identified line or infrastructure
- All roadway rights-of-way
- Drainage easements
- Any fee conveyance into the City (including parkland, lift stations, water towers, etc.)

**Title insurance is not required for conveyances of Sidewalk, Temporary Turn-Around, or Emergency Access easements.*

Title Insurance Companies

In the process of obtaining title insurance, you may select any title company that is established and reputable.

- The conveying party may select the title company of its choice.
- Any title company selected *must* be licensed by the Texas Department of Insurance.
- The conveying party shall not have any interest in the title company selected.

Title Commitment Requirements

Any commitment submitted to the City for review shall:

1. Include all standard schedules for review;

2. Show a committed coverage of no less than:
 - a. \$1/sf of easement area or property to be conveyed; or,
 - b. the cost to construct the improvements on the property, current as of the time of conveyance. The Engineer's letter of concurrence as required for acceptance of the infrastructure is considered sufficient to determine that cost.
3. Name the "City of Georgetown, Texas" as the proposed insured.
4. Include any documents pertaining to an exception from coverage which are not readily available for review from the Property Records Division of the Williamson County Clerk's office.
 - a. Examples may include court judgements, probate records, etc.
 - b. Leases will require need to be reviewed for conflicting rights.

Matters Causing Objection

The City may object to any exception listed (see list of likely objections below).

- a. It is the Applicant's responsibility to clear such objection as a condition of acceptance of the property/easement, etc.
- b. It is recommended that the Applicant attempt to resolve issues relating to the title prior to filing an application, as it will expedite the conveyance process.

The following matters will always cause an objection from the City:

- a. "Rights of Parties in Possession"
- b. "Any and all easements, rights of way, encroachments, protrusions, boundary conflicts or other matters of a similar nature, the existence of which would be reflected by a current and accurate survey and the subject property," or similar language."
- c. "Visible and apparent easements" or similar language
- d. Retention of surface rights by holders of mineral interests (drilling, access, etc.)
- e. Easements running longitudinally with the proposed City easement or right-of-way, other than access easements with no right to make improvements to the property.
- f. Any easements running across proposed parkland.
- g. "Any leases, easements, or other matters of title which do not appear of record," or similar language.

Initial Submittal of Information

In order to initiate a conveyance to the City, one must submit the following:

- Easement/Land Dedication Information Form
 - Form available at <https://realestate.georgetown.org>
- Legal description of proposed easement area or fee property (labeled Exhibit A)
- Sketch of the proposed easement area or fee property (labeled Exhibit B)
- Title commitment (if applicable)
- Ownership Information, including most recent deed
- Proof of signature authority (i.e. corporate resolution, bylaws, formation docs, or screen shot of the Texas Secretary of State database showing that proposed signatory is the sole "Management" individual of the Grantor)

After you have gathered the necessary information, submit all items in pdf format via email to realestate@georgetown.org. This initial information will be reviewed by the Real Estate Team, assigned a project number for tracking, and a staff member will be assigned to coordinate. Once assigned, the staff member will initiate contact and begin working with the conveying party to identify additional information needed, appropriate next steps, and to close this process.

It is critical that the information provided in the initial submittal be accurate and complete to prevent delays.

Timing

We understand that your time is valuable. However, every property is different, so each conveyance will have its own unique issues. Most conveyances take at least 90 days to complete. If this is part of a larger project, these tasks can often take place alongside the tasks of other City departments. Please communicate your needs clearly and early to staff so that we can provide you with the best level of service. Clearing items from title which do not apply to the area being conveyed can greatly speed up the process.

Please note that changes to the City's standard easements and deeds will greatly increase the review time, and may necessitate Council approval, even in cases in which staff and the City Attorney have approved the changes.

Changes to City Documents/Standard Forms

The City recognizes that each property is unique and that changes to the City's standard forms may, from time to time, be necessary. However, such changes are considered the exception and note the rule, as changes to the City's standard forms complicate the future management of the City's infrastructure. The uniformity of these documents enables the City to focus on the technical aspects of managing that system. If changes are necessary, such changes must be submitted in "red line" format, so that the differences easily discernible from the standard, and they must be reviewed and approved by City Staff and the City Attorney. Additionally, if substantial changes have been made, approval by the City Council may be necessary. Please keep in mind that changes, and the required reviews, may lengthen timelines and cause project delays.