

By: Menendez, Corte

H.B. No. 655

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the sale of property by a defense base development  
3 authority.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 272.001(b), Local Government Code, is  
6 amended to read as follows:

7 (b) The notice and bidding requirements of Subsection (a) do  
8 not apply to the types of land and real property interests described  
9 by this subsection and owned by a political subdivision. The land  
10 and those interests described by this subsection may not be  
11 conveyed, sold, or exchanged for less than the fair market value of  
12 the land or interest unless the conveyance, sale, or exchange is  
13 with one or more abutting property owners who own the underlying fee  
14 simple. The fair market value is determined by an appraisal  
15 obtained by the political subdivision that owns the land or  
16 interest or, in the case of land or an interest owned by a home-rule  
17 municipality, the fair market value may be determined by the price  
18 obtained by the municipality at a public auction for which notice to  
19 the general public is published in the manner described by  
20 Subsection (a). The notice of the auction must include, instead of  
21 the content required by Subsection (a), a description of the land,  
22 including its location, the date, time, and location of the  
23 auction, and the procedures to be followed at the auction. The  
24 appraisal or public auction price is conclusive of the fair market

1 value of the land or interest, regardless of any contrary provision  
2 of a home-rule charter. This subsection applies to:

3 (1) narrow strips of land, or land that because of its  
4 shape, lack of access to public roads, or small area cannot be used  
5 independently under its current zoning or under applicable  
6 subdivision or other development control ordinances;

7 (2) streets or alleys, owned in fee or used by  
8 easement;

9 (3) land or a real property interest originally  
10 acquired for streets, rights-of-way, or easements that the  
11 political subdivision chooses to exchange for other land to be used  
12 for streets, rights-of-way, easements, or other public purposes,  
13 including transactions partly for cash;

14 (4) land that the political subdivision wants to have  
15 developed by contract with an independent foundation;

16 (5) a real property interest conveyed to a  
17 governmental entity that has the power of eminent domain; [~~or~~]

18 (6) a municipality's land that is located in a  
19 reinvestment zone designated as provided by law and that the  
20 municipality desires to have developed under a project plan adopted  
21 by the municipality for the zone; or

22 (7) a property interest owned by a defense base  
23 development authority established under Chapter 378, Local  
24 Government Code, as added by Chapter 1221, Acts of the 76th  
25 Legislature, Regular Session, 1999.

26 SECTION 2. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2003.