

By: Wentworth

S.B. No. 1708

A BILL TO BE ENTITLED

AN ACT

relating to the repurchase of real property acquired by a governmental entity through eminent domain.

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

SECTION 1. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.023 to read as follows:

Sec. 21.023. DISCLOSURE OF INFORMATION REQUIRED AT TIME OF ACQUISITION. A governmental entity shall disclose in writing to the property owner, at the time of acquisition of the property through eminent domain, that:

(1) the owner or the owner's heirs, successors, or assigns are entitled to repurchase the property if the public use for which the property was acquired through eminent domain is canceled before the 10th anniversary of the date of acquisition; and

(2) the repurchase price is the fair market value of the property at the time the public use was canceled.

SECTION 2. Chapter 21, Property Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. REPURCHASE OF REAL PROPERTY FROM GOVERNMENTAL ENTITY

Sec. 21.101. APPLICABILITY. (a) Except as provided in Subsection (b), this subchapter applies only to a real property interest acquired by a governmental entity through eminent domain

1 for a public use that was canceled before the 10th anniversary of
2 the date of acquisition.

3 (b) This subchapter does not apply to a right-of-way under
4 the jurisdiction of:

5 (1) a county;

6 (2) a municipality; or

7 (3) the Texas Department of Transportation.

8 Sec. 21.102. NOTICE TO PREVIOUS PROPERTY OWNER AT TIME OF
9 CANCELLATION OF PUBLIC USE. Not later than the 180th day after the
10 date of the cancellation of the public use for which real property
11 was acquired through eminent domain from a property owner under
12 Subchapter B, the governmental entity shall send by certified mail,
13 return receipt requested, to the property owner or the owner's
14 heirs, successors, or assigns a notice containing:

15 (1) an identification, which is not required to be a
16 legal description, of the property that was acquired;

17 (2) an identification of the public use for which the
18 property had been acquired and a statement that the public use has
19 been canceled; and

20 (3) a description of the person's right under this
21 subchapter to repurchase the property.

22 Sec. 21.103. RESALE OF PROPERTY; PRICE. (a) Not later
23 than the 180th day after the date of the postmark on the notice sent
24 under Section 21.102, the property owner or the owner's heirs,
25 successors, or assigns must notify the governmental entity of the
26 person's intent to repurchase the property interest under this
27 subchapter.

1 (b) As soon as practicable after receipt of the notification
2 under Subsection (a), the governmental entity shall offer to sell
3 the property interest to the person for the fair market value of the
4 property at the time the public use was canceled. The person's
5 right to repurchase the property expires on the 90th day after the
6 date on which the governmental entity makes the offer.

7 SECTION 3. (a) Subchapter E, Chapter 21, Property Code, as
8 added by this Act, applies only to a real property interest acquired
9 by a governmental entity on or after the effective date of this Act.

10 (b) A real property interest that was acquired by a
11 governmental entity before the effective date of this Act through
12 eminent domain for a public use is governed by the law as it existed
13 immediately before the effective date of this Act, and that law is
14 continued in effect for that purpose.

15 SECTION 4. This Act takes effect January 1, 2004.