

By: Wentworth

S.B. No. 1708

Substitute the following for S.B. No. 1708:

By: Mowery

C.S.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. Section 25.1032, Government Code, is amended by  
8 amending Subsection (c) and adding Subsection (m) to read as  
9 follows:

10        (c) A county civil court at law in Harris County has  
11 concurrent ~~[exclusive]~~ jurisdiction with the district court ~~[in~~  
12 ~~Harris County]~~ of eminent domain proceedings, both statutory and  
13 inverse, and of proceedings involving repurchase of real property  
14 acquired by a governmental entity through eminent domain under  
15 Subchapter E, Chapter 21, Property Code, regardless of the amount  
16 in controversy. Notwithstanding Section 21.013, Property Code, a  
17 party initiating a condemnation proceeding in Harris County may  
18 file a petition with any clerk authorized to accept the petition for  
19 the district courts. A condemnation proceeding shall be assigned  
20 by rotation to a court with jurisdiction to hear the proceeding. In  
21 addition to other jurisdiction provided by law, a county civil  
22 court at law has jurisdiction to:

23                (1) decide the issue of title to real or personal  
24 property;

25                (2) hear a suit to recover damages for slander or  
26 defamation of character;

27                (3) hear a suit for the enforcement of a lien on real

1 property;

2 (4) hear a suit for the forfeiture of a corporate  
3 charter;

4 (5) hear a suit for the trial of the right to property  
5 valued at \$200 or more that has been levied on under a writ of  
6 execution, sequestration, or attachment; and

7 (6) hear a suit for the recovery of real property.

8 (m) Notwithstanding Section 62.301, for a condemnation  
9 proceeding before a county civil court at law, a party may elect to  
10 have the proceeding tried before a jury of 12 persons.

11 SECTION 4. (a) Subchapter E, Chapter 21, Property Code, as  
12 added by this Act, applies only to a real property interest acquired  
13 by a governmental entity on or after the effective date of this Act.

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

19 SECTION 5. This Act takes effect January 1, 2004.