

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. 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. This subchapter applies only to a real property interest acquired by a governmental entity through eminent domain for a public use that was later canceled.

Sec. 21.102. NOTICE TO PREVIOUS PROPERTY OWNER. (a) Not later than the first anniversary of the date of the cancellation of the public use for which real property was acquired through eminent domain, the governmental entity shall make a diligent effort to discover each property owner, or the heirs of the property owner if the property owner is deceased, who owned the real property interest immediately before the governmental entity acquired the property interest.

(b) The governmental entity shall personally deliver or send by certified mail, return receipt requested, to each property owner identified under Subsection (a) a notice containing:

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

(2) an identification of the public use for which the

1 property had been acquired and a statement that the public use has  
2 been canceled; and

3 (3) a description of the property owner's right under  
4 this subchapter to repurchase the property.

5 Sec. 21.103. RESALE OF PROPERTY; PRICE. Not later than the  
6 first anniversary of the date on which a person receives notice  
7 under Section 21.102, or sooner on request of the person, the  
8 governmental entity shall offer to sell the property interest to  
9 that person, or the person's heirs if the person is deceased. The  
10 sale price, if the person accepts the offer, must be the lesser of:

11 (1) fair market value of the property interest; or

12 (2) the purchase price paid to the owner by the  
13 governmental entity when the governmental entity acquired the  
14 interest by eminent domain.

15 SECTION 2. (a) Subchapter E, Chapter 21, Property Code, as  
16 added by this Act, applies only to a real property interest acquired  
17 by a governmental entity on or after January 1, 1980.

18 (b) For real property that was acquired before the effective  
19 date of this Act through eminent domain for a public use and for  
20 which the public use was canceled before the effective date of this  
21 Act, the one-year period described by Section 21.102, Property  
22 Code, as added by this Act, shall be computed as if the date of  
23 cancellation were the effective date of this Act.

24 SECTION 3. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2003.