

By: Wentworth S.B. No. 1708  
(In the Senate - Filed March 14, 2003; March 20, 2003, read first time and referred to Committee on State Affairs; April 28, 2003, reported favorably, as amended, by the following vote: Yeas 7, Nays 0; April 28, 2003, sent to printer.)

COMMITTEE AMENDMENT NO. 1 By: Ellis

Amend S.B. No. 1708 on page 1, line 20, by inserting, between "interest" and "acquired", "other than right-of-way under the jurisdiction of the Texas Department of Transportation or a city or county of this state,".

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

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

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

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

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

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

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

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

2-1 Act takes effect September 1, 2003.

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