

By: Wentworth

S.B. No. 141

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of the subdivision of land under the
3 jurisdiction of counties.

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

5 SECTION 1. Section 232.022(a), Local Government Code, is
6 amended to read as follows:

7 (a) This subchapter applies only to:

8 (1) a county any part of which is located within 50
9 miles of an international border; or

10 (2) a county that has elected by an order adopted by
11 the commissioners court to operate under this subchapter.

12 SECTION 2. Subchapter B, Chapter 232, Local Government
13 Code, is amended by adding Section 232.0225 to read as follows:

14 Sec. 232.0225. MINIMUM STATE STANDARDS. (a) To the extent
15 this subchapter refers to minimum state standards or refers to the
16 application of a provision of Chapter 16, Water Code, the
17 references apply to all counties regardless of any limitation
18 established by Chapter 16, Water Code, including the limitation
19 established by Section 16.343(f), Water Code.

20 (b) This section and the other provisions of this subchapter
21 do not authorize a county to participate in any financial
22 assistance program or any other program authorized by Chapter 15,
23 16, or 17, Water Code, unless the county qualifies under the Water
24 Code.

1 SECTION 3. Section 232.025, Local Government Code, is
2 amended to read as follows:

3 Sec. 232.025. SUBDIVISION REQUIREMENTS. By an order
4 adopted and entered in the minutes of the commissioners court, and
5 after a notice is published in English and Spanish in a newspaper of
6 general circulation in the county, the commissioners court shall
7 for each subdivision:

8 (1) require a right-of-way on a street or road that
9 functions as a main artery in a subdivision, of a width of not less
10 than 50 feet or more than 100 feet;

11 (2) require a right-of-way on any other street or road
12 in a subdivision of not less than 40 feet or more than 70 feet;

13 (3) require that the shoulder-to-shoulder width on
14 collectors or main arteries within the right-of-way be not less
15 than 32 feet or more than 56 feet, and that the shoulder-to-shoulder
16 width on any other street or road be not less than 25 feet or more
17 than 35 feet;

18 (4) adopt, based on the amount and kind of travel over
19 each street or road in a subdivision, reasonable specifications
20 relating to the construction of each street or road;

21 (5) adopt reasonable specifications to provide
22 adequate drainage for each street or road in a subdivision in
23 accordance with standard engineering practices;

24 (6) require that each purchase contract made between a
25 subdivider and a purchaser of land in the subdivision contain a
26 statement describing how and when water, sewer, electricity, and
27 gas services will be made available to the subdivision; [~~and~~]

1 (7) require that the subdivider of the tract execute a
2 bond in the manner provided by Section 232.027;

3 (8) adopt reasonable specifications that provide for
4 drainage in the subdivision to:

5 (A) efficiently manage the flow of stormwater
6 runoff in the subdivision; and

7 (B) coordinate subdivision drainage with the
8 general storm drainage pattern for the area; and

9 (9) require lot and block monumentation to be set by a
10 registered professional surveyor before recordation of the plat.

11 SECTION 4. Subchapter B, Chapter 232, Local Government
12 Code, is amended by adding Sections 232.0255 and 232.0256 to read as
13 follows:

14 Sec. 232.0255. STANDARD FOR ROADS IN SUBDIVISION. A county
15 may not impose under Section 232.025 a higher standard for streets
16 or roads in a subdivision than the county imposes on itself for the
17 construction of streets or roads with a similar type and amount of
18 traffic.

19 Sec. 232.0256. ADDITIONAL REQUIREMENTS: USE OF
20 GROUNDWATER. (a) If a person submits a plat for the subdivision of
21 a tract of land for which the source of the water supply intended
22 for the subdivision is groundwater under that land, the
23 commissioners court of a county by order may require the plat
24 application to have attached to it a statement that:

25 (1) is prepared by an engineer licensed to practice in
26 this state or a geoscientist licensed to practice in this state; and

27 (2) certifies that adequate groundwater is available

1 for the subdivision.

2 (b) The Texas Commission on Environmental Quality by rule
3 shall establish the appropriate form and content of a certification
4 to be attached to a plat application under this section.

5 SECTION 5. Section 232.038, Local Government Code, is
6 amended to read as follows:

7 Sec. 232.038. SUIT BY PRIVATE PERSON [~~IN ECONOMICALLY~~
8 ~~DISTRESSED AREA~~]. (a) This section applies only to:

9 (1) a [A] person who has purchased or is purchasing
10 from a subdivider a lot after July 1, 1995, in a subdivision for
11 residential purposes that does not have water and sewer services as
12 required by this subchapter and is located in an economically
13 distressed area, as defined by Section 17.921, Water Code, from a
14 subdivider; or

15 (2) a person who has purchased or is purchasing from a
16 subdivider a lot after September 1, 2005, in a subdivision for
17 residential purposes that does not have water and sewer services as
18 required by this subchapter.

19 (b) A person described by Subsection (a) [7] may bring suit
20 in the district court in which the property is located or in a
21 district court in Travis County to:

22 (1) declare the sale of the property void and require
23 the subdivider to return the purchase price of the property; and

24 (2) recover from the subdivider:

25 (A) the market value of any permanent
26 improvements the person placed on the property;

27 (B) actual expenses incurred as a direct result

1 of the failure to provide adequate water and sewer facilities;

2 (C) court costs; and

3 (D) reasonable attorney's fees.

4 SECTION 6. Section 13.002(26), Water Code, is amended to
5 read as follows:

6 (26) "Affected county" is a county any part of which is
7 located within 50 miles of an international border [~~to which~~
8 ~~Subchapter B, Chapter 232, Local Government Code, applies~~].

9 SECTION 7. Section 13.2501, Water Code, is amended to read
10 as follows:

11 Sec. 13.2501. CONDITIONS REQUIRING REFUSAL OF
12 SERVICE. The holder of a certificate of public convenience and
13 necessity shall refuse to serve a customer within its certified
14 area if the holder of the certificate is prohibited from providing
15 the service under Section 212.012 or 232.029 [~~232.0047~~], Local
16 Government Code.

17 SECTION 8. Section 26.001(26), Water Code, as added by
18 Section 24, Chapter 979, Acts of the 74th Legislature, Regular
19 Session, 1995, is amended to read as follows:

20 (26) "Affected county" is a county any part of which is
21 located within 50 miles of an international border [~~to which~~
22 ~~Subchapter B, Chapter 232, Local Government Code, applies~~].

23 SECTION 9. The changes in law made by this Act to Chapter
24 232, Local Government Code, and other statutes apply only to a tract
25 of land subdivided on or after September 1, 2005. A tract of land
26 subdivided before that date is governed by the law in effect
27 immediately before that date, and the former law is continued in

1 effect for that purpose.

2 SECTION 10. This Act takes effect September 1, 2005.