

BILL ANALYSIS

C.S.H.B. 1100
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Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 1926, the original owners of a subdivision in Olmito, Texas, filed a plat describing the property in lots and blocks. In 1930, the owners had the Cameron County Commissioners Court cancel that plat to replace it with a plat that described the property by acreage. The subdivision went from blocks and lots to groves. Unfortunately, the tax appraisal district, title companies, surveyors, and real estate attorneys kept using the block and lot descriptions, which has created problems for the owners wanting to build on their properties.

The purpose of C.S.H.B. 1100 is to authorize certain people who own real property in certain subdivisions to follow a process to allow them to have canceled an existing subdivision plat in whole or part and to reestablish the property using lots and blocks descriptions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. *Amends Chapter 232, Local Government Code, by adding Section 232.0083, as follows:*

The new Subsection (a) provides that the new Section 232.0083 applies only to a subdivision for which a plat has been filed for 75 years or more and the most recent plat describes at least a portion of the property as acreage tracts and a previous plat described at least a portion of the property as lots and blocks and the county tax assessor-collector lists the property in the subdivision on the tax rolls based on the description in the previous plat and assesses taxes on the basis of that description.

The new Subsection (b) authorizes a person owning real property in a subdivision described by Subsection (a) to apply to the commissioners court of the county in which the property is located for permission to cancel an existing subdivision plat in whole or part and to reestablish the property using lots and blocks descriptions that, to the extent practicable, are consistent with the previous subdivision plat.

The new Subsection (c) authorizes the commissioners court, after notice and hearing, to order the cancellation of the existing subdivision plat and the reestablishment of the property in accordance with the application submitted under the new Subsection (b) if the court makes certain findings (that either the cancellation and reestablishment does not interfere with the established rights of any owner of a part of the subdivision or a utility company with a right to use a public easement in the subdivision, or that each owner or utility whose rights may be interfered with has agreed to the cancellation and reestablishment).

The new Subsection (d) requires the commissioners court to publish notice of an application for the cancellation and reestablishment and requires that the notice must be published at least three weeks before the date on which action is taken on the application and must direct any person who is

interested in the property and who wishes to protest the proposed cancellation and reestablishment to appear at the time specified in the notice. Requires that the notice must be published in English and Spanish in a newspaper that has general circulation in the county and that is written primarily in English and in Spanish in a newspaper, if available, that has general circulation in the county and that is written primarily in Spanish.

The new Subsection (e) requires the commissioners court by order, if it authorizes the cancellation and reestablishment, to authorize the person making the application under the new Subsection (b) to record an instrument showing the cancellation and reestablishment, and requires the commissioners court to enter the order in its minutes.

SECTION 2. Effective Date.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. The new Subsection (c) in the Committee Substitute authorizes the commissioners court, after notice and hearing, to order the cancellation of the existing subdivision plat and the reestablishment of the property in accordance with the application submitted under the new Subsection (b) if the court makes certain findings -- that either the cancellation and reestablishment does not interfere with the established rights of any owner of a part of the subdivision or a utility company with a right to use a public easement in the subdivision, or that each owner or utility whose rights may be interfered with has agreed to the cancellation and reestablishment (instead of that the cancellation and reestablishment does not interfere with the established rights of any owner of a part of the subdivision or that each owner whose rights may be interfered with has agreed to the cancellation and reestablishment in the Original introduced version).

The new Subsection (d) in the Committee Substitute is moved from the new Subsection (e) in the Original introduced version.

The new Subsection (e) in the Committee Substitute is moved from the new Subsection (d) in the Original introduced version.

SECTION 2. No change from the Original to the Committee Substitute.