

BILL ANALYSIS

S.B. 1867
By: Zaffirini
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law allows counties that include a municipality with a population of 1.5 million or more to amend plats to correct errors and omissions without issuing notices and publications, and holding hearings. However, no such provision is made in current law for counties that include only municipalities with populations less than 1.5 million. Accordingly, people in these counties must re-submit a plat application in its entirety to re-plat subdivision plats even though a re-plat or re-division of the property did not occur. Counties and individuals are burdened by these unnecessary resubmissions of plat applications.

The purpose of S.B. 1867 is to create a more efficient way to correct minor plat errors in the state's less populous counties.

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

This bill adds a new Section 232.011, Local Government Code, entitled AMENDING PLAT, and authorizes a commissioners court to approve and issue an amending plat if the amending plat is signed by the applicants and filed for one or more of certain listed purposes. These certain listed purposes include to correct an error in a course or distance shown on the preceding plat or to add a course or distance that was omitted on the preceding plat or to correct an error in a real property description shown on the preceding plat or to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat or to correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats or to correct an error in courses and distances of lot lines between two adjacent lots under certain conditions. The new Section 232.011 provides that the amending plat controls over the preceding plat without the vacation, revision, or cancellation of the preceding plat, and that notice, a hearing, and the approval of other lot owners are not required for the filing, recording, or approval of an amending plat.

This bill adds a new Section 232.044, Local Government Code, entitled AMENDING PLAT, to authorize a commissioners court to approve and issue an amending plat under Subchapter B, Chapter 232, Local Government Code, in the same manner, for the same purposes, and subject to the same related provisions as provided by the new Section 232.011, Local Government Code.

This bill adds a new Section 232.081, Local Government Code, entitled AMENDING PLAT, to authorize a commissioners court to approve and issue an amending plat under Subchapter C, Chapter 232, Local Government Code, in the same manner, for the same purposes, and subject to the same related provisions as provided by the new Section 232.011, Local Government Code.

Provides that this Act takes effect on September 1, 2007.

EFFECTIVE DATE

September 1, 2007

S.B. 1867 80(R)