

By: Puente

H.B. No. 2793

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the subdivision of certain tracts of land for which a  
3 plat is required.

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

5 SECTION 1. Section 212.004, Local Government Code, is  
6 amended by amending Subsection (a) and adding Subsection (a-1) to  
7 read as follows:

8 (a) The owner of a tract of land located within the limits or  
9 in the extraterritorial jurisdiction of a municipality who divides  
10 the tract in two or more parts to lay out a subdivision of the tract,  
11 including an addition to a municipality, to lay out suburban,  
12 building, or other lots, or to lay out streets, alleys, squares,  
13 parks, or other parts of the tract intended to be dedicated to  
14 public use or for the use of purchasers or owners of lots fronting  
15 on or adjacent to the streets, alleys, squares, parks, or other  
16 parts must have a plat of the subdivision prepared. A division of a  
17 tract under this subsection includes a division regardless of  
18 whether it is made by using a metes and bounds description in a deed  
19 of conveyance or in a contract for a deed, by using a contract of  
20 sale or other executory contract to convey, or by using any other  
21 method.

22 (a-1) A division of land under Subsection (a) [~~this~~  
23 ~~subsection~~] does not include a division of land into parts greater  
24 than five acres, where each part has access and no public

1 improvement is being dedicated, unless the municipality requires a  
2 preliminary plat or a development plan for that land, including a  
3 development plan approved by a municipality in phases, in which  
4 case a plat of the entire area covered by the preliminary plat or a  
5 development plan must be prepared regardless of the size of the area  
6 divided.

7 SECTION 2. The change in law made by this Act to Section  
8 212.004, Local Government Code, and other statutes applies only to  
9 a tract of land subdivided on or after the effective date of this  
10 Act. A tract of land subdivided before that date is governed by the  
11 law in effect immediately before that date, and the former law is  
12 continued in effect for that purpose.

13 SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2007.