

By: Janek

S.B. No. 360

A BILL TO BE ENTITLED

AN ACT

relating to subdivision replatting by certain municipalities.

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

SECTION 1. Section 212.014, Local Government Code, is amended to read as follows:

Sec. 212.014. REPLATTING WITHOUT VACATING PRECEDING PLAT. (a) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

(1) is signed and acknowledged by only the owners of the property being replatted;

(2) is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving plats; and

(3) does not attempt to amend or remove any covenants or restrictions.

(b) This subsection applies only to a replat of a subdivision or a part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more. In Subsection (a)(3), "covenants or restrictions" means:

(1) covenants or restrictions contained in a dedicatory instrument recorded in the real property records

1 separately from the preceding plat or replat; or

2 (2) covenants or restrictions contained in the
3 preceding plat or replat and referenced in a dedicatory instrument
4 recorded in the real property records separately from the preceding
5 plat or replat.

6 SECTION 2. ACTS AND PROCEEDINGS VALIDATED. (a) This
7 section applies only to a municipality with a population of 1.9
8 million or more that approved the replat or attempted replat of a
9 subdivision or a part of a subdivision before the effective date of
10 this Act.

11 (b) The governmental acts and proceedings of the
12 municipality relating to the approval of a replat or attempted
13 replat of a subdivision or a part of a subdivision by the
14 municipality are validated as of the dates they occurred. The acts
15 and proceedings may not be held invalid because they were not
16 performed in accordance with Chapter 212, Local Government Code, or
17 other law.

18 (c) The governmental acts and proceedings of the
19 municipality occurring after a replat or attempted replat of a
20 subdivision or a part of a subdivision by the municipality may not
21 be held invalid on the ground that the replat or attempted replat,
22 in the absence of this section, was invalid.

23 (d) This section does not apply to any matter that on the
24 effective date of this Act:

25 (1) is involved in litigation if the litigation
26 ultimately results in the matter being held invalid by a final
27 judgment of a court; or

1 (2) has been held invalid by a final judgment of a
2 court.

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