

1-1 By: Janek S.B. No. 360
1-2 (In the Senate - Filed January 30, 2007; February 21, 2007,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 22, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 3, Nays 0;
1-6 March 22, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 360 By: Patrick

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to subdivision replatting by certain municipalities.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Subchapter A, Chapter 212, Local Government
1-13 Code, is amended by adding Section 212.0146 to read as follows:

1-14 Sec. 212.0146. REPLATTING WITHOUT VACATING PRECEDING PLAT:
1-15 CERTAIN MUNICIPALITIES. (a) This section applies only to a replat
1-16 of a subdivision or a part of a subdivision located in a
1-17 municipality or the extraterritorial jurisdiction of a
1-18 municipality with a population of 1.9 million or more.

1-19 (b) A replat of a subdivision or part of a subdivision may be
1-20 recorded and is controlling over the preceding plat without
1-21 vacation of that plat if the replat:

1-22 (1) is signed and acknowledged by each owner of
1-23 property being replatted;

1-24 (2) is approved, after a public hearing on the matter
1-25 at which parties in interest and citizens have an opportunity to be
1-26 heard, by the municipal authority responsible for approving plats;

1-27 (3) does not attempt to amend or remove any covenants
1-28 or restrictions that are contained or referenced in a dedicatory
1-29 instrument recorded in the real property records separately from
1-30 the preceding plat or replat;

1-31 (4) does not attempt to amend or remove any covenants
1-32 or restrictions that are contained only in the preceding plat or
1-33 replat without reference in any dedicatory instrument recorded in
1-34 the real property records separately from the preceding plat or
1-35 replat, unless the municipal authority responsible for approving
1-36 plats determines under the criteria in its applicable rules that
1-37 the restriction or covenant should be amended or removed; and

1-38 (5) does not attempt to amend or remove any existing
1-39 public utility easements without the consent of the affected
1-40 utility companies.

1-41 (c) Section 212.014 does not apply to a replat under this
1-42 section.

1-43 SECTION 2. Subsections (a) and (b), Section 212.015, Local
1-44 Government Code, are amended to read as follows:

1-45 (a) In addition to compliance with Section 212.014 or
1-46 212.0146, a replat without vacation of the preceding plat must
1-47 conform to the requirements of this section if:

1-48 (1) during the preceding five years, any of the area to
1-49 be replatted was limited by an interim or permanent zoning
1-50 classification to residential use for not more than two residential
1-51 units per lot; or

1-52 (2) any lot in the preceding plat was limited by deed
1-53 restrictions to residential use for not more than two residential
1-54 units per lot.

1-55 (b) Notice of the hearing required under Section 212.014 or
1-56 212.0146 shall be given before the 15th day before the date of the
1-57 hearing by:

1-58 (1) publication in an official newspaper or a
1-59 newspaper of general circulation in the county in which the
1-60 municipality is located; and

1-61 (2) by written notice, with a copy of Subsection (c)
1-62 attached, forwarded by the municipal authority responsible for
1-63 approving plats to the owners of lots that are in the original

2-1 subdivision and that are within 200 feet of the lots to be
2-2 replatted, as indicated on the most recently approved municipal tax
2-3 roll or in the case of a subdivision within the extraterritorial
2-4 jurisdiction, the most recently approved county tax roll of the
2-5 property upon which the replat is requested. The written notice may
2-6 be delivered by depositing the notice, properly addressed with
2-7 postage prepaid, in a post office or postal depository within the
2-8 boundaries of the municipality.

2-9 SECTION 3. (a) This section applies only to a municipality
2-10 with a population of 1.9 million or more that approved the replat or
2-11 attempted replat of a subdivision or a part of a subdivision before
2-12 the effective date of this Act.

2-13 (b) The governmental acts and proceedings of the
2-14 municipality relating to the approval of a replat or attempted
2-15 replat of a subdivision or a part of a subdivision by the
2-16 municipality are validated as of the dates they occurred. The acts
2-17 and proceedings may not be held invalid because they were not
2-18 performed in accordance with Chapter 212, Local Government Code, or
2-19 other law.

2-20 (c) The governmental acts and proceedings of the
2-21 municipality occurring after a replat or attempted replat of a
2-22 subdivision or a part of a subdivision by the municipality may not
2-23 be held invalid on the ground that the replat or attempted replat,
2-24 in the absence of this section, was invalid.

2-25 (d) This section does not apply to any matter that on the
2-26 effective date of this Act:

2-27 (1) is involved in litigation if the litigation
2-28 ultimately results in the matter being held invalid by a final
2-29 judgment of a court; or

2-30 (2) has been held invalid by a final judgment of a
2-31 court.

2-32 SECTION 4. This Act takes effect immediately if it receives
2-33 a vote of two-thirds of all the members elected to each house, as
2-34 provided by Section 39, Article III, Texas Constitution. If this
2-35 Act does not receive the vote necessary for immediate effect, this
2-36 Act takes effect September 1, 2007.

2-37 * * * * *