

By: Lucio

S.B. No. 1158

A BILL TO BE ENTITLED

AN ACT

relating to cancellation of a subdivision plat under certain circumstances.

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

SECTION 1. Subchapter A, Chapter 232, Local Government Code, is amended by adding Section 232.0083 to read as follows:

Sec. 232.0083. CANCELLATION OF CERTAIN SUBDIVISION PLATS IF EXISTING PLAT OBSOLETE. (a) This section applies only to a subdivision for which:

(1) a plat has been filed for 75 years or more;

(2) the most recent plat describes at least a portion of the property as acreage tracts;

(3) a previous plat described at least a portion of the property as lots and blocks; and

(4) 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.

(b) A person owning real property in the subdivision may 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.

1       (c) After notice and hearing, the commissioners court may  
2 order the cancellation of the existing subdivision plat and the  
3 reestablishment of the property in accordance with the application  
4 submitted under Subsection (b) if the court finds that:

5           (1) the cancellation and reestablishment does not  
6 interfere with the established rights of any owner of a part of the  
7 subdivision; or

8           (2) each owner whose rights may be interfered with has  
9 agreed to the cancellation and reestablishment.

10       (d) If the commissioners court authorizes the cancellation  
11 and reestablishment, the court by order shall authorize the person  
12 making the application under this section to record an instrument  
13 showing the cancellation and reestablishment. The court shall  
14 enter the order in its minutes.

15       (e) The commissioners court shall publish notice of an  
16 application for the cancellation and reestablishment. The notice  
17 must be published at least three weeks before the date on which  
18 action is taken on the application and must direct any person who is  
19 interested in the property and who wishes to protest the proposed  
20 cancellation and reestablishment to appear at the time specified in  
21 the notice. The notice must be published:

22           (1) in English and Spanish in a newspaper that has  
23 general circulation in the county and that is written primarily in  
24 English; and

25           (2) in Spanish in a newspaper, if available, that has  
26 general circulation in the county and that is written primarily in  
27 Spanish.

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