

By: Kolkhorst

H.B. No. 476

A BILL TO BE ENTITLED

AN ACT

relating to the repurchase of real property from an entity with eminent domain authority.

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

SECTION 1. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.0114 to read as follows:

Sec. 21.0114. PUBLIC USE DISCLOSURE IN OFFER. An entity with eminent domain authority that makes an offer under Section 21.0113 must state with specificity in the initial and final offers the public use for which the entity intends to acquire the property.

SECTION 2. Section 21.023, Property Code, is amended to read as follows:

Sec. 21.023. DISCLOSURE OF INFORMATION REQUIRED AT TIME OF ACQUISITION. An entity with eminent domain authority shall disclose in writing to the property owner, at the time of acquisition of the property through eminent domain, including an acquisition through a purchase made by the entity in connection with an initial offer under Section 21.0113, that:

(1) the owner or the owner's heirs, successors, or assigns may be entitled to:

(A) repurchase the property under Subchapter E;
or

(B) request from the entity certain information relating to the use of the property and any actual progress made

1 toward that use; and

2 (2) the repurchase price is the price paid to the owner
3 by the entity at the time the entity acquired the property through
4 eminent domain.

5 SECTION 3. The heading to Subchapter E, Chapter 21,
6 Property Code, is amended to read as follows:

7 SUBCHAPTER E. REPURCHASE OF REAL PROPERTY ACQUIRED THROUGH
8 EMINENT DOMAIN [~~FROM CONDEMNING ENTITY~~]

9 SECTION 4. Sections 21.101(a) and (b), Property Code, are
10 amended to read as follows:

11 (a) A person from whom a real property interest is acquired
12 by an entity through eminent domain for a public use, or that
13 person's heirs, successors, or assigns, is entitled to repurchase
14 the property as provided by this subchapter if:

15 (1) the public use for which the property was acquired
16 through eminent domain is canceled before the property is used for
17 that public use;

18 (2) no actual progress is made toward the public use
19 for which the property was acquired between the date of acquisition
20 and the 10th anniversary of that date; [~~or~~]

21 (3) the property becomes unnecessary for the public
22 use for which the property was acquired, or a substantially similar
23 public use, before the 10th anniversary of the date of acquisition;
24 or

25 (4) the initial use of the property is not the public
26 use for which the property was acquired.

27 (b) In this section, "actual progress" means the completion

1 of two or more of the following actions:

2 (1) the performance of a significant amount of labor
3 to develop the property or other property acquired for the same
4 public use project for which the property owner's property was
5 acquired;

6 (2) the provision of a significant amount of materials
7 to develop the property or other property acquired for the same
8 public use project for which the property owner's property was
9 acquired;

10 (3) the hiring of and performance of a significant
11 amount of work by an architect, engineer, or surveyor to prepare a
12 plan or plat that includes the property or other property acquired
13 for the same public use project for which the property owner's
14 property was acquired;

15 (4) application for state or federal funds to develop
16 the property or other property acquired for the same public use
17 project for which the property owner's property was acquired; or

18 (5) application for a state or federal permit to
19 develop the property or other property acquired for the same public
20 use project for which the property owner's property was acquired[+

21 ~~[(6) the acquisition of a tract or parcel of real~~
22 ~~property adjacent to the property for the same public use project~~
23 ~~for which the owner's property was acquired, or~~

24 ~~[(7) for a governmental entity, the adoption by a~~
25 ~~majority of the entity's governing body at a public hearing of a~~
26 ~~development plan for a public use project that indicates that the~~
27 ~~entity will not complete more than one action described by~~

1 ~~Subdivisions (1)-(6) before the 10th anniversary of the date of~~
2 ~~acquisition of the property].~~

3 SECTION 5. Subchapter E, Chapter 21, Property Code, is
4 amended by adding Section 21.1015 to read as follows:

5 Sec. 21.1015. APPLICABILITY TO CERTAIN PROPERTY ACQUIRED BY
6 PURCHASE. In this subchapter, a real property interest acquired
7 through eminent domain includes a real property interest purchased
8 by an entity with eminent domain authority in connection with an
9 initial offer under Section 21.0113.

10 SECTION 6. Section 21.102, Property Code, is amended to
11 read as follows:

12 Sec. 21.102. NOTICE TO PREVIOUS PROPERTY OWNER REQUIRED.
13 Not later than the 180th day after the date an entity that acquired
14 a real property interest through eminent domain determines that the
15 former property owner is entitled to repurchase the property under
16 Section 21.101, the entity shall send by certified mail, return
17 receipt requested, to the property owner or the owner's heirs,
18 successors, or assigns a notice containing:

19 (1) an identification, which is not required to be a
20 legal description, of the property that was acquired;

21 (2) an identification of the public use for which the
22 property had been acquired and a statement that:

23 (A) the public use was canceled before the
24 property was used for the public use;

25 (B) no actual progress was made toward the public
26 use; ~~or~~

27 (C) the property became unnecessary for the

1 public use, or a substantially similar public use, before the 10th
2 anniversary of the date of acquisition; or

3 (D) the initial use of the property was not the
4 public use for which the property was acquired; and

5 (3) a description of the person's right under this
6 subchapter to repurchase the property.

7 SECTION 7. The heading to Section 21.1021, Property Code,
8 is amended to read as follows:

9 Sec. 21.1021. REQUESTS FOR INFORMATION REGARDING
10 [~~CONDEMNED~~] PROPERTY ACQUIRED THROUGH EMINENT DOMAIN.

11 SECTION 8. Section 21.1021(a), Property Code, is amended to
12 read as follows:

13 (a) After [~~On or after~~] the first [~~10th~~] anniversary of the
14 date on which real property was acquired by an entity through
15 eminent domain, a property owner or the owner's heirs, successors,
16 or assigns may annually request that the [~~condemning~~] entity make a
17 determination and provide a statement and other relevant
18 information regarding:

19 (1) whether the public use for which the property was
20 acquired was canceled before the property was used for the public
21 use;

22 (2) whether any actual progress was made toward the
23 public use between the date of acquisition and the 10th anniversary
24 of that date, including an itemized description of the progress
25 made, if applicable; [~~and~~]

26 (3) whether the property became unnecessary for the
27 public use, or a substantially similar public use, before the 10th

1 anniversary of the date of acquisition, if applicable; and
2 (4) whether the initial use of the property was the
3 public use for which the property was acquired.

4 SECTION 9. Chapter 21, Property Code, as amended by this
5 Act, applies only to a repurchase of a real property interest
6 condemned or otherwise purchased in connection with an initial
7 offer under Section 21.0113, Property Code, made on or after the
8 effective date of this Act.

9 SECTION 10. This Act takes effect September 1, 2013.