

By: Campbell

S.B. No. 1918

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain regulatory requirements placing expiration
3 dates on land development permits and the use of land conveyed to
4 the state or a political subdivision for a public purpose.

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

6 SECTION 1. Section 245.005, Local Government Code, is
7 amended by amending Subsection (c) and adding Subsection (d) to
8 read as follows:

9 (c) Progress towards completion of the project shall
10 include any one of the following:

11 (1) an application for a final plat or a site plan is
12 submitted to a regulatory agency;

13 (2) a final plat is recorded in the county clerk's
14 property records;

15 (3) a good-faith attempt is made to file with a
16 regulatory agency an application for a permit necessary to begin or
17 continue towards completion of the project;

18 (4) (3) costs have been incurred for developing the
19 project including, without limitation, costs associated with
20 roadway, utility, and other infrastructure facilities designed to
21 serve, in whole or in part, the project (but exclusive of land
22 acquisition) in the aggregate amount of five percent of the most
23 recent appraised market value of the real property on which the
24 project is located;

1 (5) [~~(4)~~] fiscal security is posted with a regulatory
2 agency to ensure performance of an obligation required by the
3 regulatory agency; or

4 (6) [~~(5)~~] utility connection fees or impact fees for
5 the project have been paid to a regulatory agency.

6 (d) A regulatory agency may not enforce an ordinance, rule,
7 or regulation that places an expiration date on a permit if any
8 condition described by Subsection (c) is met.

9 SECTION 2. Chapter 245, Local Government Code, is amended
10 by adding Section 245.008 to read as follows:

11 Sec. 245.008. PROJECTS CONSIDERED IN PROGRESS AND NOT
12 DORMANT BY CONVEYANCE FOR PUBLIC PURPOSE. (a) If an owner of an
13 interest in a contiguous tract of land conveys five percent or more
14 of the tract to the state or to a political subdivision for a public
15 purpose, the remaining portion of the tract is deemed a project in
16 progress for purposes of this chapter and is not subject to an
17 expiration date authorized under Section 245.005.

18 (b) A conveyance under this section must be made by a plat
19 dedication or a gift deed reciting nominal consideration.

20 (c) A division of a tract by a public right-of-way or public
21 easement does not affect contiguity of the tract for purposes of
22 Subsection (a).

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2013.