

By: Schwertner, et al.

S.B. No. 628

A BILL TO BE ENTITLED

AN ACT

1
2 relating to establishing actual progress for the purposes of
3 determining the right to repurchase real property from a condemning
4 entity.

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

6 SECTION 1. Section 21.101, Property Code, is amended by
7 amending Subsection (b) and adding Subsection (b-1) to read as
8 follows:

9 (b) In this section, "actual progress" means the completion
10 of three [~~two~~] or more of the following actions:

11 (1) the performance of a significant amount of labor
12 to develop the property or other property acquired for the same
13 public use project for which the property owner's property was
14 acquired;

15 (2) the provision of a significant amount of materials
16 to develop the property or other property acquired for the same
17 public use project for which the property owner's property was
18 acquired;

19 (3) the hiring of and performance of a significant
20 amount of work by an architect, engineer, or surveyor to prepare a
21 plan or plat that includes the property or other property acquired
22 for the same public use project for which the property owner's
23 property was acquired;

24 (4) application for state or federal funds to develop

1 the property or other property acquired for the same public use
2 project for which the property owner's property was acquired; or

3 (5) application for a state or federal permit to
4 develop the property or other property acquired for the same public
5 use project for which the property owner's property was acquired.

6 (b-1) Notwithstanding Subsection (b), for a navigation
7 district or port authority, "actual progress" means:

8 (1) the completion of one action described by
9 Subsection (b); and

10 (2) [~~;~~ (6) the acquisition of a tract or parcel of
11 ~~real property adjacent to the property for the same public use~~
12 ~~project for which the owner's property was acquired; or~~

13 [~~(7) for a governmental entity,~~] the adoption by a
14 majority of the entity's governing body at a public hearing of a
15 development plan for a public use project that indicates that the
16 entity will not complete more than one action described by
17 Subsection (b) [~~Subdivisions (1)-(6)~~] before the 10th anniversary
18 of the date of acquisition of the property.

19 SECTION 2. Section 21.101, Property Code, as amended by
20 this Act, applies only to a real property interest acquired in
21 connection with a condemnation proceeding in which the petition is
22 filed on or after the effective date of this Act. A real property
23 interest acquired in connection with a condemnation proceeding in
24 which the petition is filed before the effective date of this Act is
25 governed by the law in effect immediately before that date, and that
26 law is continued in effect for that purpose.

27 SECTION 3. This Act takes effect September 1, 2017.