

By: Bettencourt

S.B. No. 1846

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the authority of municipalities to replat a subdivision  
3 without vacating the preceding plat.

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

5 SECTION 1. Section [212.0146](#), Local Government Code, is  
6 amended to read as follows:

7 Sec. 212.0146. REPLATTING WITHOUT VACATING PRECEDING  
8 PLAT[ ~~CERTAIN MUNICIPALITIES~~]. (a) [~~This section applies only to~~  
9 ~~a replat of a subdivision or a part of a subdivision located in a~~  
10 ~~municipality or the extraterritorial jurisdiction of a~~  
11 ~~municipality with a population of 1.3 million or more.~~

12 [~~(b)~~] A replat of a subdivision or part of a subdivision may  
13 be recorded and is controlling over the preceding plat without  
14 vacation of that plat if:

15 (1) the replat is signed and acknowledged by each  
16 owner and only the owners of the property being replatted;

17 (2) the municipal authority responsible for approving  
18 plats holds a public hearing on the matter at which parties in  
19 interest and citizens have an opportunity to be heard;

20 (3) the replat does not amend, remove, or violate, or  
21 have the effect of amending, removing, or violating, any covenants  
22 or restrictions that are contained or referenced in a dedicatory  
23 instrument recorded in the real property records separately from  
24 the preceding plat or replat;

1           (4) the replat does not attempt to amend, remove, or  
2 violate, or have the effect of amending, removing, or violating,  
3 any existing public utility easements without the consent of the  
4 affected utility companies; and

5           (5) the municipal authority responsible for approving  
6 plats approves the replat after determining that the replat  
7 complies with this subchapter and rules adopted under Section  
8 [212.002](#) and this section in effect at the time the application for  
9 the replat is filed.

10          (b) [~~(c)~~] The governing body of a municipality may adopt  
11 rules governing replats, including rules that establish criteria  
12 under which covenants, restrictions, or plat notations that are  
13 contained only in the preceding plat or replat without reference in  
14 any dedicatory instrument recorded in the real property records  
15 separately from the preceding plat or replat may be amended or  
16 removed.

17          SECTION 2. This Act takes effect September 1, 2017.