

By: Schwertner, et al.

S.B. No. 554

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

(b-1) Notwithstanding Subsection (b), a navigation district or port authority may establish actual progress for purposes of this section by:

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

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

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

SECTION 2. Section [21.101](#), Property Code, as amended by this Act, applies only to a real property interest acquired in connection with a condemnation proceeding in which the petition is filed on or after the effective date of this Act. A real property interest acquired in connection with a condemnation proceeding in which the petition is filed before the effective date of this Act is

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1 governed by the law in effect immediately before that date, and that
2 law is continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2019.