

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 360  
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Intergovernmental Relations  
3/21/2007  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Section 212.014, Local Government Code, allows for replatting property without vacating the original plat if the replat does not attempt to amend or remove any covenants or restrictions. Furthermore, all proposed replats that change or remove building lines must have all owners of property covered by the original plat sign the replat. For 23 years, the City of Houston allowed a person to replat a piece of property and remove or change building lines with only the signatures of the current owners of the property covered by the proposed replat. In July, 2006, the Houston Planning Commission (commission) and city legal department changed their interpretation of the term "covenant and restrictions." The new interpretation includes building lines shown on a plat. Due to this interpretation, the commission is not approving proposed replats that change or remove building lines unless all owners of property covered by the original plat sign the replat.

C.S.S.B. 360 Authorizes a replat or part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more to be recorded and provides that it is controlling over the preceding plat without vacation of that plat if the replat meets certain conditions. This bill conforms state law with Houston's method of handling replats from 1983 through mid-2006. This bill is bracketed to the City of Houston.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 212, Local Government Code, by adding Section 212.0146, as follows:

Sec. 212.0146. REPLATTING WITHOUT VACATING PRECEDING PLAT: CERTAIN MUNICIPALITIES. (a) Provides that this section applies only to a replat or part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more.

(b) Authorizes a replat of a subdivision or part of a subdivision to be recorded and provides that it is controlling over the preceding plat without vacation of that plat if the replat meets certain conditions.

(c) Provides that Section 212.014 (Replating Without Vacating Preceding Plat) does not apply to a replat under this section.

SECTION 2. Amends Sections 212.015(a) and (b), Local Government Code, to make conforming changes.

SECTION 3. (a) Provides that this section applies only to a municipality with a population of 1.9 million or more that approved the replat or attempted replat of a subdivision or a part of a subdivision before the effective date of this Act.

(b) Provides that the governmental acts and proceedings of the municipality relating to the approval of a replat or attempted replat of a subdivision or a part of a subdivision by the municipality are validated as of the dates they occurred and prohibits such acts and

proceedings from being held invalid because they were not performed in accordance with Chapter 212 (Municipal Regulation of Subdivisions and Property Developments), Local Government Code, or other law.

(c) Prohibits the governmental acts and proceedings of the municipality occurring after a replat or attempted replat of a subdivision or a part of a subdivision by the municipality from being held invalid on the ground that the replat or attempted replat, in the absence of this section, was invalid.

(d) Provides that this section does not apply to any matter that, on the effective date of this Act, is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court or has been held invalid by a final judgment of a court.

SECTION 4. Effective date: upon passage or September 1, 2007.