

BILL ANALYSIS

Senate Research Center
78R495 SMJ-D

S.B. 1099
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DIGEST AND PURPOSE

Currently, a lot owner may not submit an application to revise a plat. As proposed, S.B. 1099 clarifies notice requirements by specifying that a lot owner may submit an application to revise plats in a municipalities extraterritorial jurisdiction.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 232.008(c), Local Government Code, to require the commissioners court to publish notice of an application for cancellation in a newspaper of general circulation in the county. Requires the notice to be published at least three times during the period that begins on the 30th day and ends on the seventh day before the date on which action is taken on the application. Adds new language relating to an appearance by any person interested in the property.

SECTION 2. Amends Sections 232.009 (b), (c), and (d), Local Government Code, as follows:

(b) Adds new language to existing text relating to a person who owns real property in a tract.

(c) Requires the notice to be published at least three times during the period that begins on the 30th day and ends on the seventh day before the date of the meeting. Requires the court, except as provided by Subsection (f), if all or part of the subdivided tract has been sold, to also give notice to each owner of property in the subdivided tract by certified or registered mail, return receipt requested, at the owner's address:

- (1) in the subdivided tract, if practicable; or
- (2) as shown in the appraisal district records of the appraisal district in which the property is located.

(d) Makes conforming changes.

SECTION 3. Amends Chapter 232A, Local Government Code, by adding Section 232.0095, as follows:

Sec. 232.0095. ALTERNATIVE PROCEDURES FOR PLAT REVISION. (a) Provides that this section applies only to real property located outside municipalities and outside the extraterritorial jurisdiction, as determined under Chapter 42, of municipalities with a population of 1.5 million or more.

(b) Authorizes a county by order, as an alternative to the provisions in Section 232.009 governing the revision of plats, to adopt the provisions in Sections 212.014, 212.015, and 212.016 governing replatting and plat amendment within a municipality's jurisdiction. Authorizes a county that adopts the provisions in

those sections to approve a replat and an amending plat in the same manner and under the same conditions, including the notice and hearing requirements, as a municipal authority responsible for approving plats under those sections.

SECTION 4. Reenacts and amends Section 242.001, Local Government Code, as amended by Chapters 736 and 1028, Acts of the 77th Legislature, Regular Session, 2001, as follows:

Sec. 242.001. (a) Provides that Subsections (b)-(e) do not apply to a county that meets certain conditions.

(b) Requires a subdivision plat for an area in a municipality's extraterritorial jurisdiction, as defined by Section 212.001, that is filed with the county clerk to be approved by the governmental entity authorized under this section to regulate subdivisions in the area.

(c) Requires a municipality and a county that contains an area in the extraterritorial jurisdiction of the municipality to enter into a written agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the extraterritorial jurisdiction.

(c-1) Replaces "subsection" with "section" in existing text. Makes a conforming change.

(c-2) Requires a municipality and a county with an agreement under this section to amend the agreement if necessary.

(c-3) Prohibits a municipality and a county, except as provided by Subsections (d)(3) and (4), from both regulating subdivisions in the extraterritorial jurisdiction of a municipality after an agreement under this section is executed.

(d) Makes conforming changes.

(f) Provides that this subsection applies until a municipality and a county reach an agreement under this section and applies to a county to which Subsections (b)-e) do not apply. Requires a subdivision plat for an area in a municipality's extraterritorial jurisdiction, as defined by Section 212.001, that is filed with the county clerk to be approved by the municipality and the county. Requires the municipality or county, if a municipality or a county does not require a plat to be filed for a subdivision in the municipality's extraterritorial jurisdiction, to issue, on request of the subdivider, a written certification stating that the municipality or county does not require a plat to be filed. Requires the certification to be attached to the plat that is filed with the municipality or county that requires a plat to be filed.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2003.