

- SUBJECT:** Cancellation of a subdivision by a commissioners court
- COMMITTEE:** Land and Resource Management — favorable, without amendment
- VOTE:** 8 ayes — Oliveira, Kleinschmidt, Anchia, R. Anderson, Garza, Kolkhorst, Lavender, Margo
- 0 nays
- 1 absent — Brown
- WITNESSES:** For — Jon Fultz, Grimes County, Texas County Attorney’s Office; Donald Lee, Texas Conference of Urban Counties
- Against — None
- BACKGROUND:** Under Local Government Code, ch. 232, the owner of a tract of land located outside the limits of a municipality must file a plat, subject to approval by the county commissioners court, if the tract is to be divided into a subdivision, lots, or portions dedicated to public use, such as streets or parks. Under Local Government Code, sec. 232.008, a person owning real property that has been subdivided on or after September 1, 1999, and is located outside of a municipality or its extraterritorial jurisdiction may apply to the commissioners court for permission to cancel all or part of the subdivision to re-establish the property as it existed before the subdivision.
- DIGEST:** HB 3096 would allow a county commissioners court to deny a cancellation of a subdivision if it determined that the cancellation would prevent the proposed interconnection of infrastructure to pending or existing development, regardless of the date the land was subdivided or a plat was filed for a subdivision.
- The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011. It would apply only to an application for cancellation filed on or after the effective date, or before the effective date if approval of the application was not final.

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SUPPORTERS  
SAY:

HB 3096 would address an unintended outcome from changes made to the Local Government Code in 1999. Currently, there are different sets of rules for requests for cancellation of a subdivision according to when the subdivision was platted. The bill would ensure that the law treated all requests for cancellation uniformly. HB 3096 would allow commissioners courts to maintain order and fairness in their decisions, regardless of when a subdivision was platted.

OPPONENTS  
SAY:

No apparent opposition.