

## **BILL ANALYSIS**

Senate Research Center

S.B. 710  
By: Wentworth  
Intergovernmental Relations  
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As Filed

### **DIGEST**

Currently, a developer who subdivides property, but does not dedicate land for public roads or other infrastructure is not required to file a plat, which means a project could be completed without notifying a public entity. The Elgin Bank v. Travis County court decision created a loophole in the county subdivision authority, which allows developments to bypass the subdivision platting process. Attorneys for Elgin Bank interpreted Section 232.001, Local Government Code, to mean that a plat had to be filed with the county, only if the owner subdivided land and dedicated land for public use, such as roads or streets. Otherwise, the county could not require a plat to be filed. Travis County requires a plat in almost all instances to be filed when land is subdivided, regardless of whether or not land in the subdivision is dedicated for public use. This requires the developer to provide basic infrastructure requirements that meet minimal road, drainage, water and wastewater needs for the subdivision. S.B. 710 would require a plat to be filed when land is subdivided, whether or not land is set aside for public use.

### **PURPOSE**

As proposed, S.B. 710 requires a plat to be filed for certain subdivisions outside a municipality.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 232.001(a), Local Government Code, to provide that the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to lay out a subdivision of the tract, including an addition, to lay out suburban lots or building lots, or, rather than and, to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts of the tract, must have a plat of the subdivision prepared. Makes a conforming change.

SECTION 2. Effective date: September 1, 1999.

Makes application of this Act prospective.