

BILL ANALYSIS

Senate Research Center

H.B. 1100
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1926, the original owners of a subdivision in Olmito, Texas, filed a plat describing the property in lots and blocks. In 1930, the owners had the Cameron County commissioners court cancel that plat and replace it with a plat that described the property by acreage. However, the tax appraisal district, title companies, surveyors, and real estate attorneys have continued to use the block and lot description rather than the acreage description, which has created problems for property owners seeking to build on their property. Current law does not provide a remedy for this situation.

H.B. 1100 authorizes certain people who own real property in certain subdivisions to follow a process in order to cancel, wholly or partly, an existing subdivision plat and to reestablish the property using lots and blocks descriptions.

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 Subchapter A, Chapter 232, Local Government Code, by adding Section 232.0083, as follows:

Sec. 232.0083. CANCELLATION OF CERTAIN SUBDIVISION PLATS IF EXISTING PLAT OBSOLETE. (a) Provides that this section applies only to a certain subdivision.

(b) Authorizes a person owning real property in the subdivision to apply to the commissioners court of the county in which the property is located for permission to cancel an existing subdivision plat in whole or part and to reestablish the property using lots and blocks descriptions that, to the extent practicable, are consistent with the previous subdivision plat.

(c) Authorizes the commissioners court to order the cancellation of the existing subdivision plat and the reestablishment of the property in accordance with the application submitted under Subsection (b) after notice and hearing if the court finds certain information relating to the cancellation.

(d) Requires the commissioners court to publish notice of an application for the cancellation and reestablishment. Requires the notice to be published at least three weeks before the date on which action is taken on the application and to direct any person who is interested in the property and who wishes to protest the proposed cancellation and reestablishment to appear at the time specified in the notice. Requires the notice to be published in a newspaper that has general circulation in the county.

(e) Requires the court by order, upon authorization of cancellation and reestablishment, to authorize the person making the application under this section to record an instrument showing the cancellation and reestablishment. Requires the court to enter the order in its minutes.

SECTION 2. Effective date: upon passage or September 1, 2007.