

By: Van de Putte

S.B. No. 180

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the repurchase of real property from an entity with  
3 eminent domain authority.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter B, Chapter 21, Property Code, is  
6 amended by adding Section 21.0114 to read as follows:

7 Sec. 21.0114. PUBLIC USE DISCLOSURE IN OFFER. An entity  
8 with eminent domain authority that makes an offer under Section  
9 21.0113 must state with specificity in the initial and final offers  
10 the public use for which the entity intends to acquire the property.

11 SECTION 2. Section 21.023, Property Code, is amended to  
12 read as follows:

13 Sec. 21.023. DISCLOSURE OF INFORMATION REQUIRED AT TIME OF  
14 ACQUISITION. An entity with eminent domain authority shall  
15 disclose in writing to the property owner, at the time of  
16 acquisition of the property through eminent domain, including an  
17 acquisition through a purchase made by the entity in connection  
18 with an initial offer under Section 21.0113, that:

19 (1) the owner or the owner's heirs, successors, or  
20 assigns may be entitled to:

21 (A) repurchase the property under Subchapter E;  
22 or

23 (B) request from the entity certain information  
24 relating to the use of the property and any actual progress made

1 toward that use; and

2 (2) the repurchase price is the price paid to the owner  
3 by the entity at the time the entity acquired the property through  
4 eminent domain.

5 SECTION 3. The heading to Subchapter E, Chapter 21,  
6 Property Code, is amended to read as follows:

7 SUBCHAPTER E. REPURCHASE OF REAL PROPERTY ACQUIRED THROUGH  
8 EMINENT DOMAIN [~~FROM CONDEMNING ENTITY~~]

9 SECTION 4. Sections 21.101(a) and (b), Property Code, are  
10 amended to read as follows:

11 (a) A person from whom a real property interest is acquired  
12 by an entity through eminent domain for a public use, or that  
13 person's heirs, successors, or assigns, is entitled to repurchase  
14 the property as provided by this subchapter if:

15 (1) the public use for which the property was acquired  
16 through eminent domain is canceled before the property is used for  
17 that public use;

18 (2) no actual progress is made toward the public use  
19 for which the property was acquired between the date of acquisition  
20 and the 10th anniversary of that date; [~~or~~]

21 (3) the property becomes unnecessary for the public  
22 use for which the property was acquired, or a substantially similar  
23 public use, before the 10th anniversary of the date of acquisition;  
24 or

25 (4) the initial use of the property is not the public  
26 use for which the property was acquired.

27 (b) In this section, "actual progress" means the completion

1 of two or more of the following actions:

2 (1) the performance of a significant amount of labor  
3 to develop the property or other property acquired for the same  
4 public use project for which the property owner's property was  
5 acquired;

6 (2) the provision of a significant amount of materials  
7 to develop the property or other property acquired for the same  
8 public use project for which the property owner's property was  
9 acquired;

10 (3) the hiring of and performance of a significant  
11 amount of work by an architect, engineer, or surveyor to prepare a  
12 plan or plat that includes the property or other property acquired  
13 for the same public use project for which the property owner's  
14 property was acquired;

15 (4) application for state or federal funds to develop  
16 the property or other property acquired for the same public use  
17 project for which the property owner's property was acquired; or

18 (5) application for a state or federal permit to  
19 develop the property or other property acquired for the same public  
20 use project for which the property owner's property was acquired[+

21 ~~[(6) the acquisition of a tract or parcel of real~~  
22 ~~property adjacent to the property for the same public use project~~  
23 ~~for which the owner's property was acquired, or~~

24 ~~[(7) for a governmental entity, the adoption by a~~  
25 ~~majority of the entity's governing body at a public hearing of a~~  
26 ~~development plan for a public use project that indicates that the~~  
27 ~~entity will not complete more than one action described by~~

1 ~~Subdivisions (1)-(6) before the 10th anniversary of the date of~~  
2 ~~acquisition of the property].~~

3 SECTION 5. Subchapter E, Chapter 21, Property Code, is  
4 amended by adding Section 21.1015 to read as follows:

5 Sec. 21.1015. APPLICABILITY TO CERTAIN PROPERTY ACQUIRED BY  
6 PURCHASE. In this subchapter, a real property interest acquired  
7 through eminent domain includes a real property interest purchased  
8 by an entity with eminent domain authority in connection with an  
9 initial offer under Section 21.0113.

10 SECTION 6. Section 21.102, Property Code, is amended to  
11 read as follows:

12 Sec. 21.102. NOTICE TO PREVIOUS PROPERTY OWNER REQUIRED.  
13 Not later than the 180th day after the date an entity that acquired  
14 a real property interest through eminent domain determines that the  
15 former property owner is entitled to repurchase the property under  
16 Section 21.101, the entity shall send by certified mail, return  
17 receipt requested, to the property owner or the owner's heirs,  
18 successors, or assigns a notice containing:

19 (1) an identification, which is not required to be a  
20 legal description, of the property that was acquired;

21 (2) an identification of the public use for which the  
22 property had been acquired and a statement that:

23 (A) the public use was canceled before the  
24 property was used for the public use;

25 (B) no actual progress was made toward the public  
26 use; [~~or~~]

27 (C) the property became unnecessary for the

1 public use, or a substantially similar public use, before the 10th  
2 anniversary of the date of acquisition; or

3 (D) the initial use of the property was not the  
4 public use for which the property was acquired; and

5 (3) a description of the person's right under this  
6 subchapter to repurchase the property.

7 SECTION 7. The heading to Section 21.1021, Property Code,  
8 is amended to read as follows:

9 Sec. 21.1021. REQUESTS FOR INFORMATION REGARDING  
10 ~~[CONDEMNED]~~ PROPERTY ACQUIRED THROUGH EMINENT DOMAIN.

11 SECTION 8. Section 21.1021(a), Property Code, is amended to  
12 read as follows:

13 (a) After ~~[On or after]~~ the first ~~[10th]~~ anniversary of the  
14 date on which real property was acquired by an entity through  
15 eminent domain, a property owner or the owner's heirs, successors,  
16 or assigns may annually request that the ~~[condemning]~~ entity make a  
17 determination and provide a statement and other relevant  
18 information regarding:

19 (1) whether the public use for which the property was  
20 acquired was canceled before the property was used for the public  
21 use;

22 (2) whether any actual progress was made toward the  
23 public use between the date of acquisition and the 10th anniversary  
24 of that date, including an itemized description of the progress  
25 made, if applicable; ~~[and]~~

26 (3) whether the property became unnecessary for the  
27 public use, or a substantially similar public use, before the 10th

1 anniversary of the date of acquisition, if applicable; and  
2 (4) whether the initial use of the property was the  
3 public use for which the property was acquired.

4 SECTION 9. Chapter 21, Property Code, as amended by this  
5 Act, applies only to a repurchase of a real property interest  
6 condemned or otherwise purchased in connection with an initial  
7 offer under Section 21.0113, Property Code, made on or after the  
8 effective date of this Act.

9 SECTION 10. This Act takes effect September 1, 2013.