

AN ACT

relating to subdivision replatting by certain municipalities.

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

SECTION 1. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0146 to read as follows:

Sec. 212.0146. REPLATting WITHOUT VACATING PRECEDING PLAT: CERTAIN MUNICIPALITIES. (a) This section applies only to a replat of a subdivision or a part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more.

(b) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if:

(1) the replat is signed and acknowledged by each owner and only the owners of the property being replatted;

(2) the municipal authority responsible for approving plats holds a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard;

(3) the replat does not amend, remove, or violate, or have the effect of amending, removing, or violating, any covenants or restrictions that are contained or referenced in a dedicatory instrument recorded in the real property records separately from the preceding plat or replat;

(4) the replat does not attempt to amend, remove, or

1 violate, or have the effect of amending, removing, or violating,
2 any existing public utility easements without the consent of the
3 affected utility companies; and

4 (5) the municipal authority responsible for approving
5 plats approves the replat after determining that the replat
6 complies with this subchapter and rules adopted under Section
7 212.002 and this section in effect at the time the application for
8 the replat is filed.

9 (c) The governing body of a municipality may adopt rules
10 governing replats, including rules that establish criteria under
11 which covenants, restrictions, or plat notations that are contained
12 only in the preceding plat or replat without reference in any
13 dedicatory instrument recorded in the real property records
14 separately from the preceding plat or replat may be amended or
15 removed.

16 SECTION 2. (a) This section applies only to a municipality
17 with a population of 1.9 million or more that approved the replat or
18 attempted replat of a subdivision before the effective date of this
19 Act.

20 (b) The governmental acts and proceedings of the
21 municipality relating to the approval of a replat or attempted
22 replat of a subdivision or a part of a subdivision by the
23 municipality are validated as of the dates they occurred. The acts
24 and proceedings may not be held invalid because they were not
25 performed in accordance with Chapter 212, Local Government Code, or
26 other law.

27 (c) The governmental acts and proceedings of the

1 municipality occurring after a replat or attempted replat of a
2 subdivision or a part of a subdivision by the municipality may not
3 be held invalid on the ground that the replat or attempted replat,
4 in the absence of this section, was invalid.

5 (d) This section does not apply to any matter that on the
6 effective date of this Act:

7 (1) is involved in litigation if the litigation
8 ultimately results in the matter being held invalid by a final
9 judgment of a court; or

10 (2) has been held invalid by a final judgment of a
11 court.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.

H.B. No. 1067

David Newkirk

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 1067 was passed by the House on April 13, 2007, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1067 on May 17, 2007, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 1067 was passed by the Senate, with amendments, on May 15, 2007, by the following vote: Yeas 31, Nays 0.

Daisy Spaw

Secretary of the Senate

APPROVED: 15 JUN 07

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

5 PM O'CLOCK
JUN 5 2007
Roger Williams
Secretary of State