

SUBJECT: Correcting errors or omission on a subdivision plat filed with a county

COMMITTEE: Land and Resource Management — favorable, without amendment

VOTE: 5 ayes — Mowery, Orr, Zerwas, R. Cook, Geren

0 nays

4 absent — Callegari, Y. Davis, Pickett, Ritter

WITNESSES: For — Rafael Vidavri, Webb County; (*Registered, but did not testify:*
Jerry Garza, Webb County; Donald Lee, Texas Conference of Urban
Counties; Danny Valdez, Webb County)

Against — None

BACKGROUND: Local Government Code, sec. 232.0095 allows counties considering land use outside municipalities with a population of 1.5 million or more to adopt alternative procedures for revised plats, including vacating plats, replatting, and amending plats, for areas within a municipality's jurisdiction. Counties that adopt these procedures may administer petitions for revised plats in the same manner as a municipality. Procedures for plat revisions in municipalities are established in secs. 212.013 - 212.016, which call for different procedures depending on the type of application and extent of the requested revision.

Local Government Code, sec. 212.016 authorizes a municipal to approve and issue an amending plat without providing notice, a hearing, or the approval of other lot owners, if the amending plat is signed by the applicants and filed in order to:

- correct an error in a course or distance;
- add a course or distance that was omitted;
- correct an error in a real property description;
- make corrections to the location or character of a monument;
- correct any other type of scrivener or clerical errors;
- correct an error in courses and distances between two adjacent lots if both owners agree, neither lot is abolished, no restrictions or covenants are removed, and there is no material adverse effect on

the property rights of other owners;

- to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on an easement;
- to relocate one or more lot lines between two adjacent lots if both owners agree, more lots are not created, no restrictions or covenants are removed, and there is no material adverse effect on the property rights of other owners.
- to make necessary changes to create six or fewer lots in the subdivision if it does not affect zoning, no restrictions or covenants are removed, and the area is in a residential improvement area; or
- to re-plat one or more lots fronting on an existing street if all the owners agree, no restrictions or covenants are removed, more lots are not created, and no new streets need to be created.

DIGEST:

HB 2798 would allow a commissioners court to approve and issue an amending plat without providing notice, a hearing, or the approval of other lot owners, if the amending plat was signed by the applicants and filed in order to:

- correct an error in a course or distance;
- add a course or distance that was omitted;
- correct an error in a real property description;
- make corrections to the location or character of a monument;
- correct any other type of scrivener or clerical errors; or
- correct an error in courses and distances between two adjacent lots if both owners agree, neither lot is abolished, no restrictions or covenants are removed, and there is no material adverse effect on the property rights of other owners.

Amending plats issued in this way would take precedence over the preceding plat without the vacation, revision, or cancellation of the preceding plat.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

HB 2798 would allow small counties to have a substantively similar ability to that of larger counties to process minor plat amendments. Current law allows counties that include a municipality with a population of 1.5 million or more to amend plats to correct errors and omissions without issuing notices, publications, or holding hearings, but no provision

is made for smaller counties. By allowing smaller counties to adopt alternative procedures for plat revisions in unincorporated areas, this bill would reduce procedural burdens on individuals who need to make minor plat changes. Allowing more flexibility in posting and other requirements, depending on the type and extent of application, would enhance efficiency in processing and reduce costs associated with financing. In addition, this bill would reduce government bureaucracy without establishing any new regulatory authority.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The companion bill, SB 1867 by Zaffirini, passed the Senate by 30-0 on April 26 and was referred to the House Land and Resource Management Committee on April 30.