The fact that County Treasurers are under paid for services rendered creates an emergency and imperative public necessity that the Constitutional rule requiring bills to be read on three several occasions be suspended and that this Act shall take effect and be in force from and after its passage and it is so enacted.

Approved March 30, 1927.
Effective March 30, 1927.

GRANTING AUTHORITY TO CITIES TO CONTROL THE PLATTING OF SURROUNDING TERRITORY.

S. B. No. 277] CHAPTER 231.

An Act to provide for the approval by municipal authorities before filing, and for the filing and recordation of plans, plats or replats of land lying in or within five miles of the corporate limits of cities having a population of twenty-five thousand persons or over, according to the Federal Census of 1920 and of any subsequent Federal Census, and providing for the adoption and promulgation by cities of general rules and regulations governing plats and subdivisions, and making it unlawful and a misdemeanor in office for officials of such cities, unless said plans, plats or replats have first received the required approval, to serve or connect the land covered by such plans, plats or replats, or for the use of owners or purchasers of said lands, or any part thereof, with any public utilities, such as light, gas, water, sewer, etc., which may be owned by such cities, and making it unlawful and a misdemeanor in office for any county clerk to file or record such plans, plats or replats before same have received the approval required by this Act, and providing a penalty therefor; and providing for the acceptance of the provisions of this Act by cities having less than twenty-five thousand inhabitants, and providing for the repeal of laws and parts of laws in conflict therewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That hereafter, every owner of any tract of land situated within the corporate limits or within five miles of the corporate limits of any city in the State of Texas which contains twenty-five thousand inhabitants or more, according to the Federal Census of 1920, or any subsequent Federal Census, who may hereafter subdivide the same in two or more parts for the purpose of laying out any subdivision of any such town, or city, or any addition thereto, or any part thereof, or suburban lots or building lots, or any lots, and streets, alleys, parks or other portions intended for public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall cause a plat to be made which shall accurately describe all of the subdivision of such tract or parcels of land, giving dimensions thereof, and the dimensions of all the streets, alleys, squares, parks, or other portions of same intended so be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

SEC. 2. That every such plat shall be duly acknowledged by owners or proprietors of the land, or by some duly authorized agent of said owners or proprietors, in the manner required for the acknowledgment of deeds; and the said plat, subject to the provisions contained in this Act, shall be filed for record and be recorded in the office of the County Clerk of the County in which the land lies.

SEC. 3. That it shall be unlawful for the County Clerk of any county in which such land lies to receive or record any such plan, plat or replat, unless and until the same shall have been approved by the City Planning Commission of any city affected by this Act, if said city have a City Planning Commission and if it have no City Planning Commission, unless and until the said plan, plat, or replat shall have been approved by the governing body of such city. If such land lies outside of and within five miles of more than one city affected by this Act, then the requisite approval shall be by the City Planning Commission or Governing Body, as the case may be, of such of said cities having the largest population. Any person desiring to have a plan, plat or replat approved as herein provided, shall apply therefor to and file a copy with the Commission or governing body herein authorized to approve same, which shall act upon same within thirty days from the filing date. If said plat be not disapproved within thirty days from said filing date, it shall be deemed to have been approved and a certificate showing said filing date and the failure to take action thereon within thirty days from said filing date, shall on demand be issued by the City Planning Commission or Governing Body, as the case may be, of such city, and said certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required. If the plan, plat, or replat is approved, such Commission or governing body shall indicate such finding by certificate endorsed thereon, signed by the Chairman or presiding officer of said Commission or governing body and attested by its Secretary, or signed by a majority of the members of said Commission or Governing Body. Such Commission or governing body shall keep a record of such applications and the action taken thereupon, and upon demand of the owners of any land affected, shall certify its reasons for the action taken in the matter.

SEC. 4. If such plan or plat, or replat shall conform to the general plan of said city and its streets, alleys, parks, playgrounds and public utility facilities, including those which have been or may be laid out, and to the general plan for the extension of such city and of its roads, streets and public highways within said city and within five miles of the corporate limits thereof, regard being had for access to and extension of sewer and water mains and the instrumentalities of public utilities, and if same shall conform to such general rules and regulations, if any, governing plats and subdivisions of land falling within its jurisdiction as the governing body of such city may adopt and promulgate to promote the health, safety, morals or general wel-

fare of the community, and the safe, orderly and healthful development of said community (which general rules and regulations for said purposes such cities are hereby authorized to adopt and promulgate after public hearing held thereon), then it shall be the duty of said City Planning Commission or of the governing body of such city, as the case may be, to endorse approval upon the plan, plat or replat submitted to it.

SEC. 5. That any such plan, plat or replat may be vacated by the proprietors of the land covered thereby at any time before the sale of any lot therein by a written instrument declaring the same to be vacated, duly executed, acknowledged and recorded in the same office as the plat to be vacated, provided the approval of the City Planning Commission or governing body of such city, as the case may be, shall have been obtained as above provided, and the execution and recordation of such shall operate to destroy the force and effect of the recording of the plan, plat or replat so vacated. In cases where lots have been sold, the plan, plat or replat, or any part thereof, may be vacated upon the application of all the owners of lots in said plat and with the approval, as above provided, of the City Planning Commission or governing body of said city, as the case may be. The County Clerk of the county in whose office the plan or plat thus vacated has been recorded shall write in plain, legible letters across the plan or plat so vacated the word "Vacated," and also make a reference on the same to the volume and page in which said instrument of vacation is recorded.

SEC. 6. The approval of any such plan, plat, or replat shall not be deemed an acceptance of the proposed dedication and shall not impose any duty upon such city concerning the maintenance or improvement of any such dedicated parts until the proper authorities of said city shall have made actual appropriation of the same by entry, use or improvement.

SEC. 7. When any such map, plat, or replat is tendered for filing in the office of the County Clerk of any county in which any city of the above class may be situated, it shall be the duty of such Clerk to ascertain that the proposed plan, plat or replat is or is not subject to the provisions of this Act, and if it is subject to its provisions, then to examine said may, plat or replat to ascertain whether the endorsements required by this Act appear thereon. If such endorsements do appear thereon, he shall accept same for registration. If such endorsements do not appear thereon, he shall refuse to accept same for registration. When same does not disclose whether the land covered by said map, plat or replat, or any part thereof, is or is not within five miles of the corporate limits of a city of the class above mentioned, the County Clerk may require one offering said map, plat or replat for registration to file with him an affidavit setting forth such information. The filing or recording of any plan, plat or replat contrary to the provisions of this Act shall constitute a misdemeanor punishable by fine of not less than

Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00), and both the County Clerk and any Deputy filing or recording the same shall be guilty.

SEC. 8. Unless and until any such plan, plat or replat shall have been first approved in the manner and by the authorities provided for in this Act, it shall be unlawful within the area covered by said plan, plat or replat for any city affected by this Act, or any officials of such city, to serve or connect said land, or any part thereof, or for the use of the owners or purchasers of said land, or any part thereof, with any public utilities such as water, sewers, light, gas, etc., which may be owned, controlled or distributed by such city.

SEC. 9. If any such plan, plat or replat is disapproved by the City Planning Commission or governing body of such city, as the case may be, such disapproval shall be deemed a refusal by the city of the offered dedication shown thereon.

SEC. 10. The benefits of the provisions of this law shall apply to, and the terms thereof extend to, any city in the State of Texas now or hereafter having less than twenty-five thousand inhabitants, as above defined, if and when the governing body thereof shall submit the question of the adoption or rejection hereof to a vote of the qualified voters of said city, either at a general election in said city or at a special election called for the purpose by said city, and if and when same shall have been adopted at such election by a majority vote of the qualified voters of said city voting at such election, said election shall be held as nearly as possible in compliance with the law with reference to regular city elections in said city, but said governing body is hereby empowered to order said election and to prescribe the time and manner of holding the same. Said body shall canvass and determine the result of said election, and if a majority of the voters voting upon the question of the adoption of said law at such election shall vote to adopt the same, the result of said election shall by said governing body be entered upon their minutes, and thereupon all terms hereof shall be applicable to and govern such city adopting the same. A certified copy of said minutes shall be prima facie evidence of the result of such election and the regularity thereof, and the facts therein recited shall in all courts be accepted as true.

SEC. 11. If any clause, requirement, provision, or part of this Act shall, for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not invalidate the remainder of this Act, but shall be confined in its operation to the clause, requirement, provision or part thereof declared invalid.

SEC. 12. That all Acts, or parts of Acts in conflict with this Act, be, and the same are, hereby repealed, to the extent of such conflict.

SEC. 13. The absence of any adequate law controlling the platting of property within and surrounding large, rapidly growing cities creates an emergency and imperative public necessity

which demands that the constitutional rule requiring Bills to be read on three several days before final passage be suspended, and that this Act shall take effect and be in force from its passage, and it is so enacted.

[NOTE.—S. B. No. 277 passed the Senate without a roll call, passed the House 102 yeas, 12 nays. Received in the Executive Office March 14, 1927. Received in the Department of State March 31, 1927, without signature of Governor.]

Effective (90) ninety days after adjournment.

VALIDATING APPOINTMENT OF GUARDIANS WHEN CITATION WAS PUBLISHED AND NOT POSTED.

H. B. No. 294.] CHAPTER 232.

An Act validating the appointment of guardians when citation was published, as provided in Chapter 179, Acts, Regular Session, 1917, being now Article 28 of the Revised Civil Statutes of Texas, 1925, and where such citation was not published as provided in Article 4115 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. In all cases where guardians have been appointed by the Probate Courts of the several counties of this State after citation was published as provided in Chapter 179, Acts, Regular Session, 1917, being now Article 28 of the Revised Civil Statutes of Texas, 1925, and without service of citation or notice by posting as provided in Article 4115, Revised Civil Statutes of Texas, 1925, such service of citation and appointment of guardian by any Probate Court in this State are hereby validated, and any such guarianship heretofore granted and closed or now pending are held to be legal guardianships, and the order appointing any guardian made on an application and after notice published as provided in said Chapter 179, Acts, Regular Session, 1917, are hereby declared to be legal guardianships and valid for all purposes.

SEC. 2. The fact that many guardians have been appointed where notice of application for appointment has been published in some newspaper as provided in said Chapter 179, Acts, Regular Session, 1917, being now Article 28, Revised Civil Statutes of Texas, 1925, and without notices or citation being published as required by Article 4115 of the Revised Civil Statutes of Texas, 1925, creates an emergency and necessity for suspending the constitutional rule requiring bills to be read on three several days be suspended and the same is suspended, and this Act take effect from and after its passage, and it is so enacted.

[NOTE.—H. B. No. 294 passed the House 99 yeas, 1 nay; passed the Senate by a viva voce vote.]

Approved March 30, 1927.
Effective (90) ninety days after adjournment.