

CHAPTER 367

H.B. No. 917

An Act relating to the authority of a political subdivision to convey certain land without publishing notice and accepting bids.

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

SECTION 1. Section 2, Chapter 455, Acts of the 61st Legislature, Regular Session, 1969 (Article 5421c-12, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. Bid procedures and publication requirements as set forth in Section 1 of this Act ~~[Article]~~ shall not be applicable in the sale or disposal of real property interests belonging to a political subdivision in the following circumstances:

(1) ~~narrow~~ ~~[(a) Narrow]~~ strips of land, or land so shaped or so small as to be incapable of being used independently as zoned or under applicable subdivision or other development control ordinances, in which event such land may be sold to the abutting property owner or owners in proportion to their abutting ownership, such division between owners to be made in an equitable manner;[.]

(2) ~~streets~~ ~~[(b) Streets]~~ or alleys, whether owned in fee or used by easement, in which event such land or interest may be sold to the abutting owner or owners in proportion to their abutting ownership, such division between owners to be made in an equitable manner;[.]

(3) ~~all~~ ~~[(c) All]~~ types of easements where the abutting property owner or owners also own the underlying fee simple title, in which event such land or interest may be sold to the abutting property owner or owners in proportion to their abutting ownership, such division between owners to be made in an equitable manner;[.]

(4) ~~any~~ ~~[(d) Any]~~ land or interest therein which was originally acquired for the purpose of streets, rights-of-way or easements which the political subdivision chooses to trade or exchange as consideration for other land acquired for streets, rights-of-way or easements, including transactions which may be partly for cash and partly by trade or exchange;[.]

(5) ~~land~~ ~~[(e) Land]~~ owned by a political subdivision which it desires to have developed by contract with an independent foundation; *or*

(6) *any interest in land that is conveyed by a political subdivision to a governmental entity having the power of eminent domain.*

SECTION 2. Section 2(6), Chapter 455, Acts of the 61st Legislature, Regular Session, 1969 (Article 5421c-12, Vernon's Texas Civil Statutes), as added by this Act, applies only to a conveyance that is made on or after the effective date of this Act. A conveyance made before that date is governed by the law in effect at the time of the conveyance, and the former law is continued in force for this purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 2, 1985, by a non-record vote; passed by the Senate on May 24, 1985, by the following vote: Yeas 29, Nays 0.

Approved: June 10, 1985

Effective: August 26, 1985