

CHAPTER 110

H.B. No. 824

AN ACT

relating to the sale or exchange of land by a home-rule municipality.

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

SECTION 1. Section 272.001(b), Local Government Code, is amended to read as follows:

(b) The notice and bidding requirements of Subsection (a) do not apply to the types of land and real property interests described by this subsection and owned by a political subdivision. That land and those interests may not be conveyed, sold, or exchanged for less than the fair market value of the land or interest. The fair market value is determined by an appraisal obtained by the political subdivision that owns the land or interest *or, in the case of land or an interest owned by a home-rule municipality, the fair market value may be determined by the price obtained by the municipality at a public auction for which notice to the general public is published in the manner described by Subsection (a). The notice of the auction must include, instead of the content required by Subsection (a), a description of the land, including its location, the date, time, and location of the auction, and the procedures to be followed at the auction. The* ~~[-and the]~~ appraisal or public auction price is conclusive of the fair market value of the land or interest, *regardless of any contrary provision of a home-rule charter.* This subsection applies to:

(1) narrow strips of land, or land that because of its shape or small area cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances;

(2) streets or alleys, owned in fee or used by easement;

(3) an easement for which one or more abutting property owners own the underlying fee simple;

(4) land or a real property interest originally acquired for streets, rights-of-way, or easements that the political subdivision chooses to exchange for other land to be used for streets, rights-of-way, or easements, including transactions partly for cash;

(5) land that the political subdivision wants to have developed by contract with an independent foundation;

(6) a real property interest conveyed to a governmental entity that has the power of eminent domain; or

(7) a municipality's land that is located in a reinvestment zone designated as provided by law and that the municipality desires to have developed under a project plan adopted by the municipality for the zone.

SECTION 2. 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 April 21, 1993, by a non-record vote; passed by the Senate on May 3, 1993: Yeas 31, Nays 0.

Approved May 9, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.