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OPINION COMMITTEE



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RQ - 0200-JC
FILE # ML-41310-00
I.D. # 41310

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Attn: Opinion Committee Division
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P. O. Box 12548
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CERTIFIED MAIL RETURN RECEIPT REQUESTED

Re: Request for Attorney General Opinion

Dear Opinion Committee Representative:

Pursuant to recent questions that have arisen during Parker County Commissioners' Court Subdivision Meetings pertaining to interpretation of §232.001 and §232.0015 of the Texas Local Government Code, I am therefore submitting this Attorney General Request for an Opinion regarding the following questions:

QUESTIONS

#1

With the exception of the specified exemptions available to counties as enumerated in §232.0015(c), §232.0015(e), §232.0015(f), §232.0015(g), §232.0015(i), §232.0015(j), and §232.0015(k) of the Texas Local Government code is it now a requirement of §232.001 of the Texas Government Code (i.e. since September 1, 1999) that the owner of a tract of land located outside the limits of a municipality in the State of Texas must have a plat of the subdivision prepared if the owner divides the tract land into two or more parts to lay out: (1) a subdivision of the tract, including an addition; (2) lots; or, (3) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts? Likewise would such a requirement also include such a division of land regardless of whether or not it is made by a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method?


#2

In a circumstance where an owner/developer of a piece of real property that is part of a previously approved subdivision, and said piece of real property was platted as a part of that subdivision as a "phase", seeks to divide said piece of real property into two (2) or more lots, would the Parker County Commissioners' Court (as well as any other commissioners' court that is subject to §232.009 of the Texas Local Government Code) be required to provide notice of the aforementioned pending division of said piece of real property to all existing property owners who presently owned a lot within the platted subdivision, but within a different "phase" of the platted subdivision, by certified mail return receipt requested, at each property owner's address in the subdivided tract?

Attached hereto is a complete brief which contains the facts of this particular situation and my conclusion with supporting analysis. Thank you for your assistance in this matter, and I look forward to your written opinion as soon as possible.

Best regards to you. I remain,

Very truly yours,



Glen Wilson

RGW/pb
Enclosure
CMRRR # Z 157 158 355

Cc: Honorable Danny Choate