



Required Documentation of Eminent Domain Authority in Texas

What action must be taken: Per Senate Bill 18 enacted by the 82nd Legislature, all public and private entities authorized to exercise the power of eminent domain in Texas are **required to submit a letter to the Comptroller of Public Accounts detailing their legal authority to exercise this power. The letter must be sent by certified, return receipt mail not later than December 31, 2012.** (Per the bill, the authority of an entity to exercise the power of eminent domain expires on September 1, 2013, unless the letter has been submitted by the deadline.)

About this form: This form is designed to guide entities in submitting the required information on eminent domain authority. Once the fields have been completed, the form can be printed and mailed via certified, return receipt to the address provided to meet the requirements of the bill.

Entity Information

1. Full, legal name of entity: Hidalgo County, Texas
2. Alternate name of entity (if any): County of Hidalgo, Texas
3. Primary address: Street or P.O. Box 1615 S. Closner, Suite J
City, State, Zip Code Edinburg, Texas 78539
4. Primary phone number (with area code): (956) 381-2600
5. Entity contact: First name Ramon Last name Garcia
Phone number (with area code): (956) 381-2600 E-mail address: sandra.deleon@co.hidalgo.tx.us
6. Alternate contact: First name Valde Last name Guerra
Phone number (with area code): (956) 292-7025 E-mail address: valde.guerra@co.hidalgo.tx.us

Eminent Domain Authority

7. Does your entity have eminent domain authority in Texas? Yes No
8. If "yes" to question 7, please identify all of the applicable provisions of state law that grant eminent domain authority to this entity. Please cite as Title of Code or Article, Section Number/Name (for example, Texas Government Code, Section 43.136 or Article 7849, Auxiliary Water Laws).

Please see attached sheet.

9. Please indicate the first year in which this entity exercised eminent domain authority (if known): Unknown

DISCLAIMER: Chapter 2206, Subchapter C, Government Code (as added by Senate Bill 18, 82nd Regular Session) requires the Comptroller of Public Account to collect information and report to the Legislature all entities in the state of Texas that have the authority to exercise the power of eminent domain. Entities that provide information to the Comptroller represent and warrant that the information is accurate and complete to the best of their knowledge. **Entities that provide information acknowledge that it is their responsibility to submit a letter by certified mail, return receipt requested to the Comptroller's office, indicating that the Entity is authorized to exercise eminent domain authority and to identify each law that grants such authority.** The Entity further acknowledges that the Comptroller's office is not responsible to submit said letter, nor is it responsible for the Entity's failure to submit said letter as required by law, and that such failure may cause the entity's power of eminent domain to expire on September 1, 2013. The Entity also acknowledges that the Comptroller of Public Accounts is a state agency subject to Chapter 552 of the Texas Gov't Code (the "Texas Public Information Act") and court interpretations thereof, and that the information submitted to this office may be subject to disclosure to the public under Section 552.101, et seq., of the Code.

Under Ch. 559, Government Code, you are entitled to review, request, and correct information we have on file about you, with limited exceptions in accordance with Ch. 552, Government Code. To request information for review or to request error correction, contact us at the address on this form or sb18compliance@cpa.state.tx.us.

By signing, I agree that the information is true and correct.

Mall this form via certified mail to:
COMPTROLLER OF PUBLIC ACCOUNTS
P.O. Box 13942
Austin, Texas 78711

sign here ▶

Signature Ramon Garcia, County Judge Date (956) 381-2600

Print Name/Title _____ Phone (area code and number) _____

For questions or additional information, please e-mail: sb18compliance@cpa.state.tx.us or go to: www.window.texas.gov/sb18compliance

County of Hidalgo, Texas

1. *Generally.* The following state law provisions grant eminent domain authority to Hidalgo County:

A) Texas Local Government Code §§

- i) 261.001 –Right of Eminent Domain
- ii) 273.002 – Condemnation
- iii) 273.003—Necessary Alterations
- iv) 331.001(b)-General Authority (Authority to Acquire and Maintain Parks, Museums and Historic Sites)
- v) 561.001 – Flood Control Property; Condemnation
- vi) 562.016(c) – County Water & Sewer System
- vii) 572.012(a)(4) – General Rights, Duties, and Power of Public Entities
- viii) 572.013—Use of Eminent Domain

- B) Texas Health & Safety Code § 364.014 (Acquisition of Property re: County Solid Waste)
- C) Texas Transportation Code § 224.003-Acquisition by Commissioner’s Court
- D) Texas Transportation Code § 251.101-Condemnation for County Road in Municipality
- E) Texas Transportation Code § 284.061 Acquisition of Property
- F) Texas Transportation Code § 284.066 (b) (Delegate eminent domain authority to operating board)
- G) Texas Transportation Code § 22.011-General Powers Regarding Airports and Air Navigation Facilities
- H) Texas Transportation Code § 364.022-Maintenance and Operation of Toll Bridges
- I) Texas Agriculture Code § 167.059(c)-Dipping Facilities
- K) Texas Utilities Code § 163.013 – General Rights, Powers and Duties of Entities
- L) Texas Utilities Code § 163.014—Use of Eminent Domain
- M) Texas Water Code § 11.033-Eminent Domain
- N) Texas Government Code §§ 2267.061, 2267.062, 2267.063 (Material Default; Remedies, Eminent Domain, Affected Facility Owner).

2. *County Building Authority.* The Hidalgo County Commissioner’s Court has authority to call an election for the creation of a county building authority. While Hidalgo County has not called such an election to create such an authority, it reserves the right to do so in the future. Therefore if a county building authority is hereinafter created, such county building authority has eminent domain power under Texas Local Government Code § 293.061(a)(13).

3. *Public Facility Corporation.* Hidalgo County Commissioner’s Court has authority to create a public facility corporation. While Hidalgo County has not created a public facility corporation, it reserves the right to do so in the future. Therefore if a public facility corporation is hereinafter created, such public facility corporation has eminent domain power under Texas Local Government Code § 303.041(e).

4. *Sports Facility District.* Hidalgo County Commissioner’s Court has authority to create a sports facility district. While a sports facility district has not been created, Hidalgo County reserves the right to do so in the future. Therefore if a sports facility district is hereinafter created, such a sports facility district has eminent domain power under Texas Local Government Code § 325.037.

5. *Venue District.* A county, in conjunction with a city or other county, or a combination of both or either of them can create a venue district. While Hidalgo County has not worked with another eligible entity to create a venue district, it reserves the right to do so in the future. Therefore if a venue district is created, such venue district has eminent domain power under Texas Local Government Code § 335.071(h).
6. *Municipal Civic Center Authority.* The county judge of a County is required, after certain procedural requirements have been met, to grant a petition to create a municipal civic center authority, if all the requirements to create an authority have been fulfilled. While no petition has been filed with the County Judge to create an authority, one may be filed in the future. Therefore if a municipal civic center authority is created, such authority has eminent domain power under Texas Local Government Code §§ 281.051, 281.054.
7. *Jail District.* Hidalgo County has authority to create a jail district. While Hidalgo County has not created a jail district at this time, it reserves the right to do so in the future. Therefore if a jail district is created, such jail district has eminent domain power under Texas Local Government Code § 351.136.
8. *County Development District.* Hidalgo County has authority to create a county development district if petitioned by the landowners in the proposed district. While a county development district has not been created, Hidalgo County reserves the right to do so in the future. Therefore if a county development district is created, such district has eminent domain power under Texas Local Government Code § 383.063, if the district is not located in the boundaries of a municipality.
9. *Housing Authority.* Hidalgo County has a housing authority under the Texas Local Government Code. Such Housing Authority has the power of eminent domain power under Texas Local Government Code § 392.061.
10. *Spaceport Development Corporation.* Hidalgo County has authority, in conjunction with another eligible entity, to create a spaceport development corporation. While no such corporation has been created at this time, Hidalgo County reserves the right to do so in the future. Therefore if a spaceport development corporation is hereinafter created, such corporation has eminent domain power under Texas Local Government Code § 507.103(b).
11. *County Hospital Authority.* Hidalgo County has authority to create a county hospital authority. While no such authority has been created at this time, Hidalgo County reserves the right to do so in the future. If a County Hospital Authority is created, such authority has eminent domain power under Texas Health & Safety Code § 264.028.
12. *Joint Municipal & County Hospital.* Hidalgo County has authority with a municipality to operate a hospital. While Hidalgo County does not operate a hospital at this time, it reserves the right to do so in the future and the board of that hospital has eminent domain power under Texas Health & Safety Code § 265.052.
13. *County Hospital District.* Hidalgo has authority to create a hospital district under various statutes of the Texas Health & Safety Code. While no such districts have been created at this time, Hidalgo County reserves the right to do so in the future. If the County ever creates a hospital district, depending on the enabling statute, such district shall have eminent domain power under Texas Health & Safety Code §§ 281.054 and 283.050. If a hospital district is created by voter

approval such district has eminent domain authority under Texas Health & Safety Code § 286.080.

14. *Rural Rail Transportation District.* Hidalgo County may have authority to create a rural rail transportation District if certain facts are applicable. While no such district has been created, Hidalgo County reserves the right to do so in the future. If Hidalgo County ever creates a Rural Rail Transportation District, such district has eminent domain authority under Texas Transportation Code § 172.157.
15. *Commuter Rail District.* Hidalgo County has authority to create a commuter rail district. While no such district has been created, Hidalgo County reserves the right to do so in the future. If a commuter rail district is ever created, such district has eminent domain power under Texas Transportation Code § 174.158.
16. *Agricultural Development District.* Hidalgo County, if petitioned by property owners, has authority to create an agricultural development district. While no such district has been created, Hidalgo County reserves the right to do so in the future. If an agricultural development district is ever created, such district has eminent domain power under Texas Agriculture Code § 60.058.