



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: FORT BEND COUNTY, TEXAS
2. Alternate name of entity (if any): _____
3. Primary address: Street or P.O. Box 301 JACKSON STREET; SUITE 723
 City, State, Zip Code RICHMOND, TEXAS 77469
4. Primary phone number (with area code): 281-342-3411
5. Entity contact: First name ROBERT Last name HEBERT
 Phone number (with area code): 281-341-8608 E-mail address: robert.hebert@co.fort-bend.tx.us
6. Alternate contact: First name ROY Last name CORDES, Jr.
 Phone number (with area code): 281-341-4555 E-mail address: roy.cordes@co.fort-bend.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 "EXHIBIT A", INCORPORATED HEREIN FOR ALL PURPOSES.

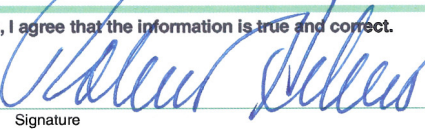
9. Please indicate the first year in which this entity exercised eminent domain authority (if known): _____

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.

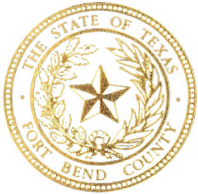
Under Ch. 559, Government Code, you are entitled to review, request, and correct information we have on file about you, with limited exceptions in accordance with Ch. 552, Government Code. To request information for review or to request error correction, contact us at the address on this form or sb18compliance@cpa.state.tx.us.

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

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

sign here 
 Signature _____
 Date 11-13-2012

Robert E. Hebert, County Judge
 Print Name/Title _____
 Phone (area code and number) 281-341-8608



COUNTY ATTORNEY

Fort Bend County, Texas

ROY L. CORDES, JR.
County Attorney

(281) 341-4555
Fax (281) 341-4557

November 19, 2012

Comptroller of Public Accounts
P.O. Box 13942
Austin, TX 78711

Certified Mail # 7011 3500 0000 3245 1710

Re: FORT BEND COUNTY, TEXAS
Required Documentation of Eminent Domain Authority in Texas
Senate Bill 18

Dear Sir or Madam:

Enclosed for filing with the Comptroller and as required by Senate Bill 18, as codified at § 2206.101 of the Texas Government Code, is this, Fort Bend County's letter stating its authority to exercise powers of eminent domain. Fort Bend County, Texas is an entity authorized by the state to exercise the power of eminent domain. This authority is claimed under the several statutory and code provisions identified in Exhibit A, as attached and incorporated herein and into the Comptroller's form entitled "Required Documentation of Eminent Domain Authority in Texas."

If you have any questions or concerns regarding this required filing, please contact the undersigned or County Judge Robert Hebert at the address and telephone numbers included in this correspondence.

Respectfully submitted,

A handwritten signature in blue ink that reads "Joe W. Cox".

Joe W. Cox
Assistant County Attorney

Encl.

October 20, 2012

Fort Bend County, Texas

SB 18 Filing-Eminent Domain Authorities
REQUIRED DOCUMENTATION OF EMINENT DOMAIN AUTHORITY IN TEXAS

Fort Bend County is an entity authorized by the state to exercise the power of eminent domain. Fort Bend County is submitting this letter to the Texas Comptroller pursuant to § 2206.101 of the Texas Government Code. Fort Bend County is authorized to exercise the power of eminent domain to the fullest extent provided by the statutes and codes of the State of Texas, as enacted by the legislature.

Pursuant to legislative mandate, Fort Bend County, Texas submits this listing of constitutional and statutory provisions as its basis for its powers of eminent domain.

TEXAS CONSTITUTION

Tex. Const. art I, § 17: Taking, Damaging, or Destroying Property for Public Use

Tex. Const. art III, § 52j: Legislative

AGRICULTURE CODE

TEX. AGRIC. CODE ANN. § 167.059 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Dipping Facilities

PROPERTY CODE

Texas Property Code-Chapter 21-Eminent Domain (Vernon 2004 & Vernon Supp. 2012)

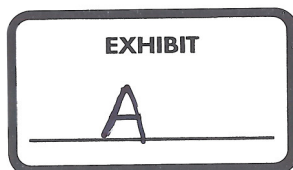
GOVERNMENT CODE

TEX. GOV'T CODE ANN. § 1474.151 (Vernon 2000): County Powers

TEX. GOV'T CODE ANN. § 1475.002 (Vernon 2000): County Bonds and Warrants for Navigation Purposes-Authority to Acquire Right-of-Way and Dumping Privileges

TEX. GOV'T CODE ANN. § 1475.052 (Vernon 2000): Authority to Acquire Land and Certain Interests in Land for Canal Purposes

TEX. GOV'T CODE ANN. § 1477.071 (Vernon 2000) Bonds for Water Supply for County Purposes-Eminent Domain



TEX. GOV'T CODE ANN. § 1477.120 (Vernon 2000): Natural Gas System for County Buildings in Certain Counties- Eminent Domain

TEX. GOV'T CODE ANN. § 1477.121 (Vernon 2000): Natural Gas System for County Buildings in Certain Counties- Eminent Domain

TEX. GOV'T CODE ANN. §2204.001 (Vernon 2008): Acquisition of Land for State and Federal Purposes-Acquisition of Land by State

TEX. GOV'T CODE ANN. § 2267.061 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Public and Private Facilities and Infrastructure-Material Default; Remedies

TEX. GOV'T CODE ANN. § 2267.062 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Public and Private Facilities and Infrastructure-Eminent Domain

TEX. GOV'T CODE ANN. § 2267.063 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Public and Private Facilities and Infrastructure-Affected Facility Owner

HEALTH AND SAFETY CODE

TEX. HEALTH & SAFETY CODE ANN. § 263.022 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Powers and duties of Commissioners Court After Passage of Bond Proposition

TEX. HEALTH & SAFETY CODE ANN. § 264.028 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): County Hospital Authority-Eminent Domain

TEX. HEALTH & SAFETY CODE ANN. § 265.052 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Joint Municipal and County Hospital Boards-Eminent Domain

TEX. HEALTH & SAFETY CODE ANN. § 281.054 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Hospital Districts in counties of at Least 190,000-Eminent Domain

TEX. HEALTH & SAFETY CODE ANN. § 364.014 (Vernon 2010): County Solid Waste-Acquisition of Property

HUMAN RESOURCES CODE

TEX.HUM. RES. CODE ANN. § 63.017 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Single County Facility; Acquisition of Real Property: Rules for Admission; Rate of Charges

TEX.HUM. RES. CODE ANN. § 63.018 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Residential Facilities for Certain Delinquent Children; Combination of County Facility; Acquisition of Real Property: Rules for Admission; Rate of Charges

LOCAL GOVERNMENT CODE

TEX. LOC. GOV'T CODE ANN. § 241.903 (Vernon 2005): County Acquisition of Air Rights or Other Property:

TEX. LOC. GOV'T CODE ANN. § 261.001 (Vernon Supp. 2012): County Right of Eminent Domain-Right of Eminent Domain:

TEX. LOC. GOV'T CODE ANN. § 261.002 (Vernon Supp. 2005): County Right of Eminent Domain-Right of Eminent Domain

TEX. LOC. GOV'T CODE ANN. § 261.003 (Vernon Supp. 2005): County Right of Eminent Domain-Right of Eminent Domain:

TEX. LOC. GOV'T CODE ANN. § 273.001 (Vernon 2005): Acquisition of Property for Public Purposes by Municipalities, Counties, and Other Local Governments-Exercise of Police Power

TEX. LOC. GOV'T CODE ANN. § 273.002 (Vernon Supp. 2012): Acquisition of Property for Public Purposes by Municipalities, Counties, and Other Local Governments -Condemnation

TEX. LOC. GOV'T CODE ANN. § 273.003 (Vernon 2005): Acquisition of Property for Public Purposes by Municipalities, Counties, and Other Local Governments-Necessary Alterations

TEX. LOC. GOV'T CODE ANN. § 280.001 (Vernon 2005): Acquisition, Sale, or Lease Provisions Applying to More Than One Type of Local Government-Land for Use of United States

TEX. LOC. GOV'T CODE ANN. § 280.002 (Vernon 2005): Acquisition, Sale, or Lease Provisions Applying to More Than One Type of Local Government-Acquisition of Real Property Permitted in Certain Circumstances

TEX. LOC. GOV'T CODE ANN. § 280.003 (Vernon 2005): Acquisition, Sale, or Lease Provisions Applying to More Than One Type of Local Government-Hospital Sites in County or Municipality

TEX. LOC. GOV'T CODE ANN. § 293.026 (Vernon 2005): County Building Authority Act-Powers of Authority

TEX. LOC. GOV'T CODE ANN. § 325.037 (Vernon 2005): Sports Facility District Established by County-Eminent Domain

TEX. LOC. GOV'T CODE ANN. § 331.001 (Vernon 2005): Municipal and County Authority to Acquire and Maintain Parks, Museums, and Historic Sites-General Authority

TEX. LOC. GOV'T CODE ANN. § 331.003 (Vernon 2005): Municipal and County Authority to Acquire and Maintain Parks, Museums, and Historic Sites-Eminent Domain

TEX. LOC. GOV'T CODE ANN. § 335.071 (Vernon 2005): Sports and Community Venue Districts-General Powers of District

TEX. LOC. GOV'T CODE ANN. § 335.0711 (Vernon Supp 2012): Sports and Community Venue Districts-Limit on Power to Own or Acquire Real Property in Certain Districts

TEX. LOC. GOV'T CODE ANN. § 351.136 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): County Jails and Law Enforcement-Acquisition of Property for Site; Eminent Domain

TEX. LOC. GOV'T CODE ANN. § 392.061 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Housing Authorities Established by Municipalities and Counties-Eminent Domain

TEX. LOC. GOV'T CODE ANN. 507.103 (Vernon Supp. 2012): Eminent Domain-Spaceport Development Corporation

TEX. LOC. GOV'T CODE ANN. § 561.001(Vernon Supp. 2012): Water Control by Counties-Flood Control Property: Condemnation

TEX. LOC. GOV'T CODE ANN. § 562.016 (Vernon Supp. 2012): County Water and Sewer System

TEX. LOC. GOV'T CODE ANN. § 572.012 (Vernon Supp. 2012): General Rights, Powers, and Duties of Public Entities

TEX. LOC. GOV'T CODE ANN. § 572.013 (Vernon Supp. 2012): Use of Eminent Domain

NATURAL RESOURCES CODE

TEX. NAT. RES. CODE ANN. § 183.057 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Protected Land; Notice of Taking

TEX. NAT. RES. CODE ANN. § 221.021a (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Actions to Establish or Maintain Wetland Mitigation Bank or Buffer Zone

TAX CODE

TEX. TAX CODE ANN. § 311.008 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Powers of Municipality or County

TRANSPORTATION CODE

TEX. TRANSP. CODE ANN. § 22.011 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): General Powers Regarding Airports and Air Navigation Facilities

TEX. TRANSP. CODE ANN. § 203.051 (Vernon 2011): Acquisition of Property-Acquisition of Property Authorized

TEX. TRANSP. CODE ANN. § 203.054 (Vernon 2011): Acquisition of Property- Attorney General Shall Bring Suit

TEX. TRANSP. CODE ANN. § 203.065 (Vernon 2011): Acquisition of Freeway by County Commissioners Court

TEX. TRANSP. CODE ANN. § 224.002 (Vernon 2011): Acquisition by County or Municipality Generally

TEX. TRANSP. CODE ANN. § 224.003 (Vernon 2011): Acquisition by Commissioners Court

TEX. TRANSP. CODE ANN. § 224.004 (Vernon 2011): State's Use of Eminent Domain

TEX. TRANSP. CODE ANN. § 251.006 (Vernon 1999): Obtaining Materials for Public Roads:

TEX. TRANSP. CODE ANN. § 251.051 (Vernon 1999): General Authority of Commissioners Court

TEX. TRANSP. CODE ANN. § 251.101 (Vernon 1999): Acquisition of Right-of-Way for County Roads-Condemnation for County Road in Municipality

TEX. TRANSP. CODE ANN. § 254.005 (Vernon 1999): Drainage on Public Roads-Authority to Provide Drainage

TEX. TRANSP. CODE ANN. § 280.001 (Vernon 1999): Condemning Railroad Roadbed

TEX. TRANSP. CODE ANN. § 281.002 (Vernon 1999): Acquisition of Public Interest in Private Road

TEX. TRANSP. CODE ANN. § 282.011 (Vernon 1999): Condemnation of Right-of-Way or Easement-Tunnels, Underpasses or Approach

TEX. TRANSP. CODE ANN. § 284.002 (Vernon Supp.2012): Certain Counties and Local Government

TEX. TRANSP. CODE ANN. § 284.003 (Vernon Supp. 2012): Projects Authorized

TEX. TRANSP. CODE ANN. § 284.061 (Vernon Supp. 2012): Acquisition of Property

TEX. TRANSP. CODE ANN. § 284.066 (Vernon 1999): Operating Board-Power of Eminent Domain

TEX. TRANSP. CODE ANN. § 284.067 (Vernon Supp. 2012): Projects Extending into other Counties

TEX. TRANSP. CODE ANN. § 457.106 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Use and Acquisition of Property of Others

TEX. TRANSP. CODE ANN. § 460.107 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Acquisition of Property

UTILITY CODE

TEX. UTIL. CODE ANN. § 163.013 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): General Rights, Powers, and Duties of Entities

TEX. UTIL. CODE ANN. § 163.014 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Use of Eminent Domain

WATER CODE

TEX. WATER CODE ANN. § 11.033 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Water Rights-Eminent Domain

TEX. WATER CODE ANN. § 49.066 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Suits

TEX. WATER CODE ANN. § 49.222 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Eminent Domain

TEX. WATER CODE ANN. § 49.224 (Westlaw current through 2011 Regular Session and 1st. C.S. 82nd. Legis.): Power to Condemn Cemeteries