

PURCHASING AND ACQUISITION
REAL PROPERTY AND IMPROVEMENTS

CHG
(LEGAL)

with the law, the attorney general shall approve them, and the comptroller of public accounts shall register them. Following approval and registration, the contract is incontestable and is a binding obligation according to its terms. *Local Gov't Code 271.004(g)-(i)*

DISTRICT OBLIGATION A contract under this provision is a special obligation of the District if ad valorem taxes are not pledged to the payment of the contract. If the contract provides that payments by the District are to be made from maintenance taxes previously approved by voters of the District and are subject to annual appropriation or are paid from a source other than ad valorem taxes, the payments under the contract shall not be considered indebtedness under Tax Code 26.04(c). All or part of the District's obligation may be evidenced by one or more promissory notes. *Local Gov't Code 271.004 (d)-(f)*

STATE ASSISTANCE—
INSTRUCTIONAL
FACILITIES The District may receive financial assistance from the state when the District lease-purchases an instructional facility under the terms set out in Chapter 46, Education Code, and Commissioner's rules implementing that chapter. *Education Code 46.004; 19 TAC 61.1032(i)*

EMINENT DOMAIN The District may, by the exercise of the right of eminent domain, acquire title to real property on which to construct school buildings or for any other public use necessary for the District. *Education Code 11.155(a)*

The District may not take private property through the use of eminent domain if the taking confers a private benefit on a particular private party through the use of the property, is for a public use that is merely a pretext to confer a private benefit on a particular private party, or is not for a public use. *Gov't Code 2206.001(b)*

PROCEDURES When exercising the right of eminent domain, the District must follow the procedures found at Government Code Chapter 2206, Subchapter B and Property Code Chapter 21, Subchapter B.

REPURCHASE OF
REAL PROPERTY If the public use for which real property was acquired by eminent domain is cancelled before the property is used for the public use, no actual progress is made toward the public use, or the property becomes unnecessary for the public use, or a substantially similar public use, before the tenth anniversary of the date of acquisition, the District must provide notice to the previous property owner and offer to sell the property to that person in accordance with Property Code Chapter 21, Subchapter E.

Property Code 21.101-.103

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NOTICE OF RIGHT

Not later than December 31, 2012, the District shall submit to the comptroller a letter stating that the District is authorized by the state to exercise the power of eminent domain and identifying each provision of law that grants the District that authority. The District must send the letter by certified mail, return receipt requested. If the District does not submit the letter, the authority of the District to exercise the power of eminent domain expires on September 1, 2013. *Gov't Code 2206.101(b)-(c)*