



The Senate of
The State of Texas

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SENATOR RODNEY ELLIS
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State Affairs

May 12, 2004

FILE # ML-43706-09
I.D. # 43706

The Honorable Greg Abbott
Office of Attorney General
P.O. Box 12548
Austin, TX 78711-2548

Dear General Abbott:

Last Tuesday, May 4th, the Upper Kirby Management District (UKMD) and Girl Scouts of San Jacinto Council (GSSJC) reached an agreement on the acquisition of the AAA Texas building at 3000 Southwest Freeway, Houston, Texas and ended all legal action.

I am requesting an Attorney General opinion to clarify the extent of the power of eminent domain for all management districts, not just UKMD. For example, GSSJC and several Senate District 13 constituents questioned whether eminent domain power was granted to UKMD and other management districts by the Texas state legislature and whether that power was intended to be used for forcible acquisition of the building in this case. It is my constituents' belief that management districts were created to promote, not control, economic development.

Many management districts have been formed around the state using a variety of statutes and methods. Some statutes have conflicting provisions regarding eminent domain.

In particular, I am looking for an Attorney General opinion on the following questions:

1. Did the Texas legislature intend to grant management districts broad powers of eminent domain?
2. What is the extent of the eminent domain power contained in all of the management districts?
2. Can the power of eminent domain be used to interfere with a transaction between two interested parties solely because the District desires to acquire property for its own use?

Please consider this as a formal request for an Attorney General opinion clarifying the scope of eminent domain power in management districts around the state.

Sincerely,

Rodney Ellis

RE:bp

Lyric Centre
440 Louisiana, Suite 575
Houston, Texas 77002
(713) 236-0306
FAX: (713) 236-0604

P.O. Box 12068
Austin, Texas 78711
(512) 463-0113
FAX: (512) 463-0006
Dial 711 For Relay Calls

2440 Texas Parkway, Suite 110
Missouri City, Texas 77489
(281) 261-2360
FAX: (281) 261-4728

**cc: Representative Martha Wong
Commissioner Sylvia Garcia
Mr. John Kuhl**