

AN ACT

relating to municipal annexation of certain rights-of-way.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 43.1055, Local Government Code, is amended to read as follows:

Sec. 43.1055. ANNEXATION OF ROAD RIGHTS-OF-WAY ON REQUEST OR WITHOUT OBJECTION OF OWNER OR MAINTAINING POLITICAL SUBDIVISION.

(a) Notwithstanding any other law, a municipality may by ordinance annex under the procedures prescribed by Subchapter C-1:

(1) a road right-of-way on request of the owner of the right-of-way or the governing body of the political subdivision that maintains the right-of-way; or

(2) a road right-of-way described by Subsection (b) ~~[under the procedures prescribed by Subchapter C-1].~~

(b) A municipality may annex a road right-of-way provided that the right-of-way:

(1) is contiguous to the municipality's boundary or to an area being simultaneously annexed by the municipality;

(2) either:

(A) is parallel to the boundary of the municipality or to an area being simultaneously annexed by the municipality; or

(B) connects the boundary of the municipality to an area being simultaneously annexed by the municipality or to

1 another point on the boundary of the municipality; and

2 (3) does not result in the municipality's boundaries
3 surrounding any area that was not already in the municipality's
4 extraterritorial jurisdiction immediately before the annexation of
5 the right-of-way.

6 (c) A municipality may annex a right-of-way under this
7 section only if:

8 (1) the owner of the right-of-way or the governing
9 body of the political subdivision that maintains the right-of-way
10 requests the annexation of the right-of-way in writing; or

11 (2) both:

12 (A) the municipality provides written notice of
13 the annexation to the owner of the right-of-way or the governing
14 body of the political subdivision that maintains the right-of-way
15 not later than the 61st day before the date of the proposed
16 annexation; and

17 (B) the owner of the right-of-way or the
18 governing body of the political subdivision that maintains the
19 right-of-way does not submit a written objection to the
20 municipality before the date of the proposed annexation.

21 (d) If a right-of-way proposed to be annexed under this
22 section is owned or maintained by a governmental body, then that
23 governmental body may specify, by notifying the municipality in
24 writing, the location at which a municipality must deliver notice
25 under Subsection (c).

26 (e) Section 43.054 does not apply to the annexation of a
27 right-of-way under this section.

1 (f) Notwithstanding Section 42.021, the annexation of a
2 road right-of-way described by Subsection (b)(2)(B) does not expand
3 the annexing municipality's extraterritorial jurisdiction.

4 SECTION 2. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 586 was passed by the House on April 20, 2023, by the following vote: Yeas 122, Nays 24, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 586 was passed by the Senate on May 10, 2023, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor