

BILL ANALYSIS

Senate Research Center
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S.B. 1711
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DIGEST AND PURPOSE

Currently, there is no specific statutory authorization for a municipality to enter into an agreement with an owner of land in the municipality's extraterritorial jurisdiction to govern the future development of the land. As proposed, S.B. 1711 authorizes the governing body of a municipality to make a written contract with an owner of land that is located in the extraterritorial jurisdiction of the municipality to authorize some other type of use.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 212, Local Government Code, by adding Subchapter G, as follows:

SUBCHAPTER G. AGREEMENT GOVERNING CERTAIN LAND IN A MUNICIPALITY'S EXTRATERRITORIAL JURISDICTION.

Sec. 212.171. DEVELOPMENT AGREEMENT. (a) Defines "extraterritorial jurisdiction."

- (b) Authorizes the governing body of a municipality to make a written contract with an owner of land that is located in the extraterritorial jurisdiction of the municipality to perform certain tasks.
- (c) Requires an agreement under this section to meet certain standards.
- (d) Authorizes the parties to a contract to renew or extend it for successive periods not to exceed 15 years each. Prohibits the total duration of the original contract and any successive renewals or extensions from exceeding 45 years.
- (e) Provides that the agreement between the governing body of the municipality and the landowner is binding on their respective successors and assigns. Provides that the agreement is not binding on, and does not create any encumbrance to title as to, any end-buyer of a fully developed and improved lot within the development.
- (f) Provides that to the extent a municipality requires a permit under Chapter 245 for the use or development of the land governed by an agreement under this section, the agreement satisfies the requirements for a permit.

SECTION 2. Effective date: upon passage or September 1, 2003.