

1-1 By: Keffer of Eastland, Seaman, et al. H.B. No. 1117  
1-2 (Senate Sponsor - Deuell)  
1-3 (In the Senate - Received from the House April 7, 2003;  
1-4 April 9, 2003, read first time and referred to Committee on  
1-5 Infrastructure Development and Security; May 8, 2003, reported  
1-6 favorably by the following vote: Yeas 9, Nays 0; May 8, 2003, sent  
1-7 to printer.)

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the clarification by a county of the existence of a  
1-11 public interest in certain roads.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle C, Title 6, Transportation Code, is  
1-14 amended by adding Chapter 258 to read as follows:

1-15 CHAPTER 258. CLARIFICATION OF EXISTENCE OF PUBLIC INTEREST IN  
1-16 ROAD BY ADOPTION OF COUNTY ROAD MAP

1-17 Sec. 258.001. CLARIFICATION OF PUBLIC INTEREST IN ROAD.  
1-18 Notwithstanding Chapter 281, a county may clarify the existence of  
1-19 a public interest in a road as provided by this chapter.

1-20 Sec. 258.002. ADOPTION OF COUNTY ROAD MAP. (a) The  
1-21 commissioners court of a county may propose a county road map that  
1-22 includes each road in which the county claims the existence of a  
1-23 public interest:

1-24 (1) under Chapter 281 or other law; or  
1-25 (2) as a result of having continuously maintained the  
1-26 road with public funds beginning before September 1, 1981.

1-27 (b) A commissioners court that proposes a county road map  
1-28 under this section shall hold a public meeting at which a person  
1-29 asserting a private right, title, or interest in a road in which the  
1-30 county has claimed the existence of a public interest may appear  
1-31 before the commissioners court to protest the county's claim. A  
1-32 person asserting a private right, title, or interest in a road may  
1-33 also file a written protest with the county judge at any time before  
1-34 the public meeting. The commissioners court shall appoint a jury of  
1-35 view consisting of five property owners who have no interest in the  
1-36 outcome of the protest to determine, by a majority vote after a  
1-37 public hearing and an examination of the county's road maintenance  
1-38 records and other information, the validity of the county's claim  
1-39 of the existence of a public interest in the road. A county has a  
1-40 valid claim of the existence of a public interest in a road if it  
1-41 provides written records or other information documenting the  
1-42 county's continuous maintenance of the road beginning before  
1-43 September 1, 1981. The determination of the jury of view is binding  
1-44 on the commissioners court, and the commissioners court shall  
1-45 revise the proposed county road map accordingly.

1-46 (c) The commissioners court shall publish at least once a  
1-47 week in a newspaper of general circulation in the county for at  
1-48 least four consecutive weeks preceding the date of the public  
1-49 meeting a notice:

1-50 (1) advising the public that the commissioners court  
1-51 has proposed a county road map including each road in which the  
1-52 county claims the existence of a public interest;

1-53 (2) identifying a location at the courthouse at which  
1-54 the proposed map will be available to the public during regular  
1-55 business hours; and

1-56 (3) stating the date and location of the public  
1-57 meeting.

1-58 (d) The commissioners court shall display the proposed map  
1-59 at the location and during the time described in the notice from the  
1-60 date on which notice is first published through the date on which  
1-61 the commissioners court formally adopts the proposed map. The map  
1-62 must be legible, and the map scale must be that not less than one  
1-63 inch equals 2,000 feet.

1-64 (e) The commissioners court may formally adopt the proposed

2-1 map, as revised after public comment and a determination by the jury  
2-2 of view, only at a public meeting held before the 90th day following  
2-3 the date of the initial public meeting required by Subsection (b).

2-4 (f) The county clerk shall keep a county road map adopted  
2-5 under this section in a place accessible to the public.

2-6 (g) The failure to include on a county road map adopted  
2-7 under this section a road in which the county has previously  
2-8 acquired a public interest by purchase, condemnation, dedication,  
2-9 or a court's final judgment of adverse possession does not affect  
2-10 the status of the omitted road.

2-11 (h) In this section, "continuous maintenance" means grading  
2-12 or other routine road maintenance beginning before September 1,  
2-13 1981, and continuing until the date of protest.

2-14 Sec. 258.003. CONCLUSIVE EVIDENCE. Except as provided by  
2-15 Section 258.004, a county road map adopted under Section 258.002 is  
2-16 conclusive evidence of:

2-17 (1) the public's right of access over a road included  
2-18 on the map; and

2-19 (2) the county's authority to spend public money to  
2-20 maintain a road included on the map.

2-21 Sec. 258.004. CONTEST. (a) A person asserting a private  
2-22 right, title, or interest in a road in which the existence of a  
2-23 public interest is asserted under this chapter may contest the  
2-24 inclusion of the road in the county road map by filing a suit in a  
2-25 district court in the county in which the road is located not later  
2-26 than the second anniversary of the date on which the county road map  
2-27 including the road was adopted.

2-28 (b) The county has the burden of proving that the county has  
2-29 continuously maintained, as that term is defined by Section  
2-30 258.002, the road in question.

2-31 Sec. 258.005. TRANSFER OF INTEREST. (a) The commissioners  
2-32 court shall include a notice of its intention to consider adoption  
2-33 of the county road map with the ad valorem tax statements for the  
2-34 year before the adoption of a county road map under Section 258.002.  
2-35 The notice must include a list of all roads in which the county will  
2-36 claim the existence of a public interest by adoption of the map, the  
2-37 date the commissioners court will hold the public meeting required  
2-38 by Section 258.002(b), and a statement that a landowner has a right  
2-39 to protest under Section 258.002(b). If a property owner tenders a  
2-40 warranty deed to the county for property included in the  
2-41 right-of-way of a county road, the commissioners court shall accept  
2-42 and file the warranty deed.

2-43 (b) The commissioners court shall include a notice of the  
2-44 adoption of the county road map with the ad valorem tax statements  
2-45 for the year after the year in which the county adopts a map under  
2-46 Section 258.002. The notice must include a list of all roads in  
2-47 which the county has claimed the existence of a public interest by  
2-48 adoption of the map, the date of the adoption, and the date on which  
2-49 the statute of limitations will bar a landowner from filing a suit  
2-50 in district court to dispute the county's claim.

2-51 Sec. 258.006. TAX ABATEMENT; REVERSION OF INTEREST. (a) A  
2-52 private right, title, or interest, other than a mineral interest,  
2-53 held by a person in land underlying a road in which the county has  
2-54 successfully asserted the existence of a public interest under this  
2-55 chapter is exempt from ad valorem taxation by any taxing authority.

2-56 (b) A right, title, or interest described in Subsection (a)  
2-57 reverts completely to the person who held the right, title, or  
2-58 interest at the time the county successfully asserted the existence  
2-59 of the public interest in the land if the county ceases to maintain  
2-60 the road, and the person is liable for all ad valorem taxes levied  
2-61 on that right, title, or interest on or after the reversion.

2-62 (c) To levy and collect an ad valorem tax on a right, title,  
2-63 or interest described in Subsection (a) that has reverted to the  
2-64 landowner under Subsection (b), the taxing authority must obtain  
2-65 from the county an order stating that the county has ceased to  
2-66 maintain the road. The owner of the right, title, or interest will  
2-67 be liable for any ad valorem tax levied on the right, title, or  
2-68 interest on or after the date of the county's order.

2-69 Sec. 258.007. EXPIRATION OF CHAPTER. This chapter expires

3-1 September 1, 2009.

3-2 SECTION 2. This Act takes effect September 1, 2003.

3-3

\* \* \* \* \*