

By: Krusee

H.B. No. 1197

A BILL TO BE ENTITLED

AN ACT

relating to authorization for a development agreement between a municipality and an owner of land in the municipality's extraterritorial jurisdiction.

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

SECTION 1. Chapter 212, Local Government Code, is amended by adding Subchapter G to read as follows:

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

Sec. 212.171. DEVELOPMENT AGREEMENT. (a) In this subchapter, "extraterritorial jurisdiction" means a municipality's extraterritorial jurisdiction as determined under Chapter 42.

(b) The governing body of a municipality may make a written contract with an owner of land that is located in the extraterritorial jurisdiction of the municipality to:

(1) guarantee the continuation of the extraterritorial status of the land and its immunity from annexation by the municipality for a period not to exceed 15 years;

(2) extend the municipality's planning authority over the land by providing for a development plan to be prepared by the landowner and approved by the municipality under which certain general uses and development of the land are authorized;

(3) authorize enforcement by the municipality of certain municipal land use and development regulations in the same

1 manner the regulations are enforced within the municipality's  
2 boundaries;

3 (4) authorize enforcement by the municipality of land  
4 use and development regulations other than those that apply within  
5 the municipality's boundaries, as may be agreed to by the landowner  
6 and the municipality;

7 (5) provide for infrastructure for the land,  
8 including:

9 (A) streets and roads;

10 (B) street and road drainage;

11 (C) land drainage; and

12 (D) water, wastewater, and other utility  
13 systems;

14 (6) authorize enforcement of environmental  
15 regulations;

16 (7) provide for the annexation of the land as a whole  
17 or in parts and to provide for the terms of annexation, if  
18 annexation is agreed to by the parties;

19 (8) specify the uses and development of the land  
20 before and after annexation, if annexation is agreed to by the  
21 parties; or

22 (9) include other lawful terms and considerations the  
23 parties consider appropriate.

24 (c) An agreement under this section must be:

25 (1) in writing;

26 (2) approved by the governing body of the municipality  
27 and the landowner; and

1           (3) recorded in the real property records of each  
2 county in which any part of the land that is subject to the  
3 agreement is located.

4           (d) The parties to a contract may renew or extend it for  
5 successive periods not to exceed 15 years each. The total duration  
6 of the original contract and any successive renewals or extensions  
7 may not exceed 45 years.

8           (e) The agreement between the governing body of the  
9 municipality and the landowner is binding on their respective  
10 successors and assigns. The agreement is not binding on, and does  
11 not create any encumbrance to title as to, any end-buyer of a fully  
12 developed and improved lot within the development.

13           (f) To the extent a municipality requires a permit under  
14 Chapter 245 for the use or development of the land governed by an  
15 agreement under this section, the agreement satisfies the  
16 requirements for a permit.

17           SECTION 2. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2003.