

1-1 By: Krusee (Senate Sponsor - Wentworth) H.B. No. 1197
1-2 (In the Senate - Received from the House May 5, 2003;
1-3 May 7, 2003, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 21, 2003, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 21, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to authorization for a development agreement between a
1-9 municipality and an owner of land in the municipality's
1-10 extraterritorial jurisdiction.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 212, Local Government Code, is amended
1-13 by adding Subchapter G to read as follows:

1-14 SUBCHAPTER G. AGREEMENT GOVERNING CERTAIN LAND IN A MUNICIPALITY'S
1-15 EXTRATERRITORIAL JURISDICTION

1-16 Sec. 212.171. APPLICABILITY. This subchapter does not
1-17 apply to land located in the extraterritorial jurisdiction of a
1-18 municipality with a population of 1.9 million or more.

1-19 Sec. 212.172. DEVELOPMENT AGREEMENT. (a) In this
1-20 subchapter, "extraterritorial jurisdiction" means a municipality's
1-21 extraterritorial jurisdiction as determined under Chapter 42.

1-22 (b) The governing body of a municipality may make a written
1-23 contract with an owner of land that is located in the
1-24 extraterritorial jurisdiction of the municipality to:

1-25 (1) guarantee the continuation of the
1-26 extraterritorial status of the land and its immunity from
1-27 annexation by the municipality for a period not to exceed 15 years;

1-28 (2) extend the municipality's planning authority over
1-29 the land by providing for a development plan to be prepared by the
1-30 landowner and approved by the municipality under which certain
1-31 general uses and development of the land are authorized;

1-32 (3) authorize enforcement by the municipality of
1-33 certain municipal land use and development regulations in the same
1-34 manner the regulations are enforced within the municipality's
1-35 boundaries;

1-36 (4) authorize enforcement by the municipality of land
1-37 use and development regulations other than those that apply within
1-38 the municipality's boundaries, as may be agreed to by the landowner
1-39 and the municipality;

1-40 (5) provide for infrastructure for the land,
1-41 including:

1-42 (A) streets and roads;
1-43 (B) street and road drainage;
1-44 (C) land drainage; and
1-45 (D) water, wastewater, and other utility
1-46 systems;

1-47 (6) authorize enforcement of environmental
1-48 regulations;

1-49 (7) provide for the annexation of the land as a whole
1-50 or in parts and to provide for the terms of annexation, if
1-51 annexation is agreed to by the parties;

1-52 (8) specify the uses and development of the land
1-53 before and after annexation, if annexation is agreed to by the
1-54 parties; or

1-55 (9) include other lawful terms and considerations the
1-56 parties consider appropriate.

1-57 (c) An agreement under this subchapter must:

1-58 (1) be in writing;

1-59 (2) contain an adequate legal description of the land;

1-60 (3) be approved by the governing body of the
1-61 municipality and the landowner; and

1-62 (4) be recorded in the real property records of each
1-63 county in which any part of the land that is subject to the
1-64 agreement is located.

2-1 (d) The parties to a contract may renew or extend it for
2-2 successive periods not to exceed 15 years each. The total duration
2-3 of the original contract and any successive renewals or extensions
2-4 may not exceed 45 years.

2-5 (e) A municipality in an affected county, as defined by
2-6 Section 16.341, Water Code, may not enter into an agreement under
2-7 this subchapter that is inconsistent with the model rules adopted
2-8 under Section 16.343, Water Code.

2-9 (f) The agreement between the governing body of the
2-10 municipality and the landowner is binding on the municipality and
2-11 the landowner and on their respective successors and assigns for
2-12 the term of the agreement. The agreement is not binding on, and
2-13 does not create any encumbrance to title as to, any end-buyer of a
2-14 fully developed and improved lot within the development, except for
2-15 land use and development regulations that may apply to a specific
2-16 lot.

2-17 (g) An agreement under this subchapter constitutes a permit
2-18 under Chapter 245.

2-19 (h) An agreement between a municipality and a landowner
2-20 entered into prior to the effective date of this section and that
2-21 complies with this section is validated.

2-22 Sec. 212.173. CERTAIN COASTAL AREAS. This subchapter does
2-23 not apply to, limit, or otherwise affect any ordinance, order,
2-24 rule, plan, or standard adopted by this state or a state agency,
2-25 county, municipality, or other political subdivision of this state
2-26 under the federal Coastal Zone Management Act of 1972 (16 U.S.C.
2-27 Section 1451 et seq.), and its subsequent amendments, or Subtitle
2-28 E, Title 2, Natural Resources Code.

2-29 Sec. 212.174. MUNICIPAL UTILITIES. A municipality may not
2-30 require an agreement under this subchapter as a condition for
2-31 providing water, sewer, electricity, gas, or other utility service
2-32 from a municipally owned or municipally operated utility that
2-33 provides any of those services.

2-34 SECTION 2. This Act takes effect immediately if it receives
2-35 a vote of two-thirds of all the members elected to each house, as
2-36 provided by Section 39, Article III, Texas Constitution. If this
2-37 Act does not receive the vote necessary for immediate effect, this
2-38 Act takes effect September 1, 2003.

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