

By: Phillips

H.B. No. 2902

A BILL TO BE ENTITLED

AN ACT

relating to the assessment of costs for the improvement of a road in a part of a subdivision.

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

SECTION 1. Section 253.003, Transportation Code, is amended to read as follows:

Sec. 253.003. PROPOSAL FOR COUNTY IMPROVEMENT OF SUBDIVISION ROADS AND ASSESSMENT OF COSTS. If the commissioners court of a county determines that the improvement of a road in a subdivision or of an access road to a subdivision is necessary for the public health, safety, or welfare of the residents of the county, the commissioners court may propose to:

(1) improve the road to comply with county standards for roads; and

(2) assess all or part of the costs of the improvement pro rata against the record owners of the real property of the subdivision or a defined part of the subdivision.

SECTION 2. Section 253.006, Transportation Code, is amended to read as follows:

Sec. 253.006. BALLOT. (a) Not later than the 10th day after the date the commissioners court holds a public hearing under Section 253.005, the commissioners court by certified mail shall send to each record owner of real property in the subdivision or part of the subdivision to be assessed:

1           (1) a ballot on whether the commissioners court shall  
2 order the improvement and assessment; and

3           (2) an addressed stamped envelope for the return of  
4 the completed ballot to the county clerk.

5           (b) The ballot must state the maximum assessment that could  
6 be made against each property in the subdivision or part of the  
7 subdivision to be assessed if a majority of the votes received favor  
8 the proposition.

9           SECTION 3. Section 253.007(b), Transportation Code, is  
10 amended to read as follows:

11           (b) If a majority of returned ballots are in favor of the  
12 improvement and assessment, the commissioners court shall order the  
13 improvements and assess the costs of the improvements against the  
14 real property owners of the subdivision or part of the subdivision.

15           SECTION 4. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2003.