

By: Aycock

H.B. No. 3600

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the determination of damages in connection with the
3 condemnation of certain land for state highway purposes.

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

5 SECTION 1. Section 21.042(e), Property Code, is amended to
6 read as follows:

7 (e) If a portion of a tract or parcel of real property is
8 condemned for the use, construction, operation, or maintenance of
9 the state highway system or of a county toll project described by
10 Chapter 284, Transportation Code, that is eligible for designation
11 as part of the state highway system, or for the use, construction,
12 development, operation, or maintenance of an improvement or project
13 by a metropolitan rapid transit authority created before January 1,
14 1980, with a principal municipality having a population of less
15 than 1.9 million and established under Chapter 451, Transportation
16 Code, the special commissioners shall determine the damage to the
17 property owner regardless of whether the property owner makes a
18 claim for damages to the remaining property. In awarding
19 compensation or assessing the damages, the special commissioners
20 shall consider:

21 (1) any special and direct benefits that arise from
22 the highway improvement or the transit authority improvement or
23 project that are peculiar to the property owner and that relate to
24 the property owner's ownership, use, or enjoyment of the particular

1 parcel of remaining real property; and

2 (2) for a portion of a tract or parcel of real property
3 that is outside the municipal limits or the extraterritorial
4 jurisdiction of a municipality with a population of 50,000 or more,
5 any diminished access to or from the remaining property.

6 SECTION 2. Section 203.0521(b-1), Transportation Code, is
7 repealed.

8 SECTION 3. The change in law made by this Act applies only
9 to a condemnation proceeding in which the condemnation petition is
10 filed on or after the effective date of this Act. A condemnation
11 proceeding pending on the effective date of this Act is governed by
12 the law in effect immediately before the effective date of this Act,
13 and that law is continued in effect for that purpose.

14 SECTION 4. This Act takes effect September 1, 2007.