

By: Gattis

H.B. No. 2705

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the level of maintenance and landscaping required for
3 public rights-of-way annexed by a municipality.

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

5 SECTION 1. Section 43.056, Local Government Code, is
6 amended by amending Subsection (g) and adding Subsection (g-1) to
7 read as follows:

8 (g) If the annexed area had a lower level of services,
9 infrastructure, and infrastructure maintenance than the level of
10 services, infrastructure, and infrastructure maintenance provided
11 within the corporate boundaries of the municipality before
12 annexation, a service plan must provide the annexed area with a
13 level of services, infrastructure, and infrastructure maintenance
14 that is comparable to the level of services, infrastructure, and
15 infrastructure maintenance available in other parts of the
16 municipality with topography, land use, and population density
17 similar to those reasonably contemplated or projected in the area.
18 If the annexed area had a level of services, infrastructure, and
19 infrastructure maintenance equal to the level of services,
20 infrastructure, and infrastructure maintenance provided within the
21 corporate boundaries of the municipality before annexation, a
22 service plan must maintain that same level of services,
23 infrastructure, and infrastructure maintenance. Except as
24 provided by this subsection and Subsection (g-1), if the annexed

1 area had a level of services superior to the level of services
2 provided within the corporate boundaries of the municipality before
3 annexation, a service plan must provide the annexed area with a
4 level of services that is comparable to the level of services
5 available in other parts of the municipality with topography, land
6 use, and population density similar to those reasonably
7 contemplated or projected in the area. If the annexed area had a
8 level of services for operating and maintaining the infrastructure
9 of the area, including the facilities described by Subsections
10 (b)(5)-(8), superior to the level of services provided within the
11 corporate boundaries of the municipality before annexation, a
12 service plan must provide for the operation and maintenance of the
13 infrastructure of the annexed area at a level of services that is
14 equal or superior to that level of services.

15 (g-1) If the annexed area had a level of services for
16 maintaining and landscaping rights-of-way superior to the level of
17 services provided within the corporate boundaries of the
18 municipality before annexation, a service plan must provide annexed
19 public rights-of-way with a level of maintenance and landscaping
20 that is comparable to the level of maintenance and landscaping
21 available to other public rights-of-way in the municipality.

22 SECTION 2. This Act takes effect September 1, 2009.