

BILL ANALYSIS

Senate Research Center
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H.B. 2584
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Alleyways between buildings and residences are often used as access points for public utility workers such as electricians and maintenance crews. Many times, these alleys are legally owned by large cities, which incur all of the financial expenses associated with clearing trees, brush, weeds, and trash from the alleys, or otherwise maintaining them. These expenses may cost municipal taxpayers hundreds of thousands of dollars every year.

Interested parties contend that, currently, municipalities sell abandoned alleys, but must comply with requirements associated with the sale of property, which can be time-consuming, costly, and burdensome. Additionally, these parties contend that alleyways often have little or no value to a municipality because the proceeds of such a sale can be used only to acquire or improve other property with a similar use or purpose.

H.B. 2584 seeks to alleviate this burden on certain municipalities and improve the health, safety, and welfare of the nearby landowners by authorizing certain municipalities to donate alleyways of little or no value to adjacent landowners in order to relieve the taxpayers of the cost of maintaining them. This could, in some cases, increase the value of the privately owned land and give landowners access to additional real estate on which to make improvements.

H.B. 2584 amends current law relating to authorizing certain municipalities to donate surplus real property of negligible or negative value to certain private persons.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 253, Local Government Code, by adding Section 253.013, as follows:

Sec. 253.013. DONATION OF REAL PROPERTY OF NEGLIGIBLE OR NEGATIVE VALUE TO CERTAIN PRIVATE PERSONS. (a) Provides that this section applies only to a municipality with a population greater than 150,000 and less than 200,000 that is located in three counties.

(b) Authorizes the governing body of a municipality to which this section applies to determine that real property located inside the boundaries of the municipality and owned by the municipality is surplus real property of negligible or negative value if:

- (1) the property is not improved, including by having a structure on it or by being paved;
- (2) ownership of the property does not provide any identifiable positive benefit to the municipality in relation to the municipality's current needs;

(3) ownership of the property is not likely to provide any identifiable positive benefit to the municipality in relation to the municipality's future needs; and

(4) the cost of maintaining the property is a substantial burden to the municipality.

(c) Requires the governing body of a municipality that makes a determination under Subsection (b) to adopt written findings and conclusions regarding the determination made.

(d) Authorizes the governing body of a municipality that makes a determination under Subsection (b) that certain real property is surplus real property of negligible or negative value to donate that property to a private person who owns property adjacent to the surplus real property of negligible or negative value.

(e) Provides that Section 272.001 (Notice of Sale or Exchange of Land by Political Subdivision: Exceptions) does not apply to a conveyance of property authorized by this section.

SECTION 2. Effective date: upon passage or September 1, 2011.