

A BILL TO BE ENTITLED

AN ACT

relating to development agreements governing land in a municipality's extraterritorial jurisdiction.

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

SECTION 1. Sections 212.172(b) and (d), Local Government Code, are amended to read as follows:

(b) The governing body of a municipality may make a written contract with an owner of land that is located in the extraterritorial jurisdiction of the municipality that includes any lawful terms and conditions the municipality and the land owner consider appropriate, including terms that [to]:

(1) guarantee the continuation of the extraterritorial status of the land and its immunity from annexation ~~[by the municipality for a period not to exceed 15 years];~~

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

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

(4) authorize enforcement by the municipality of land

1 use and development regulations other than those that apply within
2 the municipality's boundaries, as may be agreed to by the landowner
3 and the municipality;

4 (5) provide for infrastructure for the land,
5 including:

6 (A) streets and roads;

7 (B) street and road drainage;

8 (C) land drainage; and

9 (D) water, wastewater, and other utility
10 systems;

11 (6) authorize enforcement of environmental
12 regulations;

13 (7) provide for the annexation of the land as a whole
14 or in parts and to provide for the terms of annexation, if
15 annexation is agreed to by the parties; or

16 (8) specify the uses and development of the land
17 before and after annexation, if annexation is agreed to by the
18 parties [~~or~~

19 ~~(9) include other lawful terms and considerations the~~
20 ~~parties consider appropriate].~~

21 (d) [~~The parties to a contract may renew or extend it for~~
22 ~~successive periods not to exceed 15 years each.~~] The total duration
23 of the [~~original~~] contract [~~and any successive renewals or~~
24 ~~extensions~~] may not exceed 45 years.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 1083

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2011.