

By: Harless

H.B. No. 1709

A BILL TO BE ENTITLED

AN ACT

relating to the closing, abandoning, and vacating of a public road by a county; authorizing the imposition of a fee.

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

SECTION 1. Section 251.058, Transportation Code, is amended by amending Subsection (b) and adding Subsections (b-1), (d), (e), and (f) to read as follows:

(b) Title to a public road or portion of a public road that is closed, abandoned, and vacated to the center line of the road vests on the date the order is signed by the county judge in the owner of the property that abuts the portion of the road being closed, abandoned, and vacated. A copy of the order shall be filed in the deed records of the county and serves as the official instrument of conveyance from the county to the owner of the abutting property. The order shall:

(1) include the name of each property owner who receives a conveyance under this section;

(2) include the dimensions of the property being conveyed to each property owner; ~~and~~

(3) be indexed in the deed records of the county in a manner that describes:

(A) the county conveying the property as grantor;  
and

(B) the property owner receiving the conveyance

as grantee; and

(4) if a public utility or common carrier that has the right of eminent domain is using the property being conveyed for a right-of-way or easement purpose, state that the title to the property is subject to the right-of-way or easement and the continued use by the public utility or common carrier of utility infrastructure in existence on the date the order is signed.

(b-1) Not later than the 30th day before the date an order is signed under Subsection (b), the commissioners court shall notify a public utility or common carrier described by Subsection (b)(4) of the proposal to close, abandon, and vacate the public road or portion of the public road.

(d) If a commissioners court closes, abandons, and vacates a public road or a portion of a public road at the request of an owner of property that abuts the portion of the road being closed, abandoned, and vacated, the commissioners court may require the owner to:

(1) pay all reasonable administrative costs incurred for processing the request and recording the order described by Subsection (b) in the county deed records; and

(2) reimburse the county for the market value of any property interest conveyed to the owner.

(e) A county by order of the commissioners court may adopt standard fees required to be paid under Subsection (d)(1) for processing a request and recording an order.

(f) For purposes of Subsection (b), "utility infrastructure" includes any facility owned by:

1           (1) an electric utility, as defined by Section 31.002,  
2 Utilities Code; or

3           (2) a gas utility, as defined by Section 101.003 or  
4 121.001, Utilities Code.

5           SECTION 2. The change in law made by this Act to Section  
6 251.058, Transportation Code, applies only to a request to close,  
7 abandon, and vacate a public road or a portion of a public road that  
8 is submitted to a commissioners court on or after the effective date  
9 of this Act. A request submitted to a commissioners court before the  
10 effective date of this Act is governed by the law in effect when the  
11 request was submitted, and the former law is continued in effect for  
12 that purpose.

13           SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2015.