

By: Isaac

H.B. No. 1738

A BILL TO BE ENTITLED

AN ACT

relating to the release of certain restrictions on the use of certain highway rights-of-way transferred to a municipality from the Texas Department of Transportation.

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

SECTION 1. Section 202.021, Transportation Code, is amended by adding Subsection (e-2) to read as follows:

(e-2) A municipality that has received a grant of highway right-of-way from the department that is subject to a reservation described by Subsection (e-1) may, with the approval of its governing body after a public hearing, enter into an agreement with the department under which:

(1) the department agrees to:

(A) recommend to the governor that an instrument releasing the reservation be executed; and

(B) if executed, record the instrument in the deed records of the county in which the right-of-way is located; and

(2) the municipality, if the instrument releasing the reservation is executed, agrees to:

(A) transfer the right-of-way to one or more landowners in exchange for real property with a value that is equal to or greater than the value of the right-of-way;

(B) use the acquired real property for public road purposes; and

1 (C) execute and record in the deed records of the
2 county in which the acquired real property is located a restrictive
3 covenant that grants the real property to the state if the real
4 property ceases to be used for public road purposes.

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2015.