

AN ACT

relating to municipal annexation of certain rights-of-way.

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

SECTION 1. Section 43.1055, Local Government Code, is amended to read as follows:

Sec. 43.1055. ANNEXATION OF ROAD [ROADS AND] RIGHTS-OF-WAY ON REQUEST OF OWNER OR MAINTAINING POLITICAL SUBDIVISION.

Notwithstanding any other law, a municipality may by ordinance annex a road ~~[or the]~~ right-of-way ~~[of a road]~~ on request of the owner of the ~~[road or]~~ right-of-way or the governing body of the political subdivision that maintains the ~~[road or]~~ right-of-way under the procedures prescribed by Subchapter C-1.

SECTION 2. Subchapter E, Chapter 43, Local Government Code, is amended by adding Section 43.1056 to read as follows:

Sec. 43.1056. ANNEXATION OF CONTIGUOUS OR CONNECTING RIGHTS-OF-WAY. (a) Notwithstanding any other law, a municipality that is annexing an area under Subchapter C-3, C-4, C-5, or D may also annex with the area the right-of-way of a street, highway, alley, or other public way or of a railway line, spur, or roadbed, that is:

(1) contiguous and runs parallel to the municipality's boundaries; and

(2) contiguous to the area being annexed under Subchapter C-3, C-4, C-5, or D.

1       (b) A municipality may annex a right-of-way under this  
2 section only if:

3           (1) the municipality provides written notice of the  
4 annexation to the owner of the right-of-way, through the owner's  
5 registered agent, if applicable, not later than the 61st day before  
6 the date of the proposed annexation; and

7           (2) the owner of the right-of-way does not submit a  
8 written objection to the municipality before the date of the  
9 proposed annexation.

10       (c) If the owner of a right-of-way proposed to be annexed  
11 under this section is a governmental entity, the entity may specify  
12 the location at which a municipality must deliver notice under  
13 Subsection (b).

14       (d) Section 43.054 does not apply to the annexation of a  
15 right-of-way under this section.

16       SECTION 3. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2021.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 374 passed the Senate on April 9, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2021, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 374 passed the House, with amendment, on May 11, 2021, by the following vote: Yeas 121, Nays 21, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor