

By: Seliger

S.B. No. 374

A BILL TO BE ENTITLED

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:

(1) the right-of-way of a street, highway, alley, or other public way or of a railway line, spur, or roadbed, that is:

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

(B) contiguous to the area being annexed under Subchapter C-3, C-4, C-5, or D or a right-of-way described by

1 Subdivision (2); or

2 (2) the right-of-way of a public road or highway
3 connecting the area being annexed under Subchapter C-3, C-4, C-5,
4 or D to the municipality by the most direct route.

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

7 (1) the municipality provides written notice of the
8 annexation to the owner of the right-of-way not later than the 61st
9 day before the date of the proposed annexation; and

10 (2) the owner of the right-of-way does not submit a
11 written objection to the municipality before the date of the
12 proposed annexation.

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

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

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