

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 RIGHTS-OF-WAY ON REQUEST OR WITHOUT OBJECTION OF OWNER OR MAINTAINING POLITICAL SUBDIVISION.

(a) Notwithstanding any other law, a municipality may by ordinance annex under the procedures prescribed by Subchapter C-1:

(1) a road right-of-way on request of the owner of the right-of-way or the governing body of the political subdivision that maintains the right-of-way; or

(2) a road right-of-way described by Subsection (b) [~~under the procedures prescribed by Subchapter C-1~~].

(b) A municipality may annex a road right-of-way provided that the right-of-way:

(1) is contiguous to the municipality's boundary or to an area being simultaneously annexed by the municipality;

(2) either:

(A) is parallel to the boundary of the municipality or to an area being simultaneously annexed by the municipality; or

(B) connects the boundary of the municipality to an area being simultaneously annexed by the municipality or to another point on the boundary of the municipality; and

(3) does not result in the municipality's boundaries surrounding any area that was not already in the municipality's extraterritorial jurisdiction immediately before the annexation of the right-of-way.

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

(1) the owner of the right-of-way or the governing body of the political subdivision that maintains the right-of-way requests the annexation of the right-of-way in writing; or

(2) both:

(A) the municipality provides written notice of the annexation to the owner of the right-of-way or the governing body of the political subdivision that maintains the right-of-way not later than the 61st day before the date of the proposed annexation; and

(B) the owner of the right-of-way or the governing body of the political subdivision that maintains the right-of-way

does not submit a written objection to the municipality before the date of the proposed annexation.

(d) If a right-of-way proposed to be annexed under this section is owned or maintained by a governmental body, then that governmental body may specify, by notifying the municipality in writing, the location at which a municipality must deliver notice under Subsection (c).

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

(f) Notwithstanding Section 42.021, the annexation of a road right-of-way described by Subsection (b) (2) (B) does not expand the annexing municipality's extraterritorial jurisdiction.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 586 was passed by the House on April 20, 2023, by the following vote: Yeas 122, Nays 24, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 586 was passed by the Senate on May 10, 2023, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor