

1-1 By: Harless (Senate Sponsor - Zaffirini) H.B. No. 1709
 1-2 (In the Senate - Received from the House May 4, 2015;
 1-3 May 6, 2015, read first time and referred to Committee on Natural
 1-4 Resources and Economic Development; May 15, 2015, reported
 1-5 favorably by the following vote: Yeas 10, Nays 0; May 15, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the closing, abandoning, and vacating of a public road
 1-23 by a county; authorizing the imposition of a fee.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 251.058, Transportation Code, is amended
 1-26 by amending Subsection (b) and adding Subsections (b-1), (d), (e),
 1-27 and (f) to read as follows:

1-28 (b) Title to a public road or portion of a public road that
 1-29 is closed, abandoned, and vacated to the center line of the road
 1-30 vests on the date the order is signed by the county judge in the
 1-31 owner of the property that abuts the portion of the road being
 1-32 closed, abandoned, and vacated. A copy of the order shall be filed
 1-33 in the deed records of the county and serves as the official
 1-34 instrument of conveyance from the county to the owner of the
 1-35 abutting property. The order shall:

1-36 (1) include the name of each property owner who
 1-37 receives a conveyance under this section;

1-38 (2) include the dimensions of the property being
 1-39 conveyed to each property owner; ~~and~~

1-40 (3) be indexed in the deed records of the county in a
 1-41 manner that describes:

1-42 (A) the county conveying the property as grantor;
 1-43 and

1-44 (B) the property owner receiving the conveyance
 1-45 as grantee; and

1-46 (4) if a public utility or common carrier that has the
 1-47 right of eminent domain is using the property being conveyed for a
 1-48 right-of-way or easement purpose, state that the title to the
 1-49 property is subject to the right-of-way or easement and the
 1-50 continued use by the public utility or common carrier of utility
 1-51 infrastructure in existence on the date the order is signed.

1-52 (b-1) Not later than the 30th day before the date an order is
 1-53 signed under Subsection (b), the commissioners court shall notify a
 1-54 public utility or common carrier described by Subsection (b)(4) of
 1-55 the proposal to close, abandon, and vacate the public road or
 1-56 portion of the public road.

1-57 (d) If a commissioners court closes, abandons, and vacates a
 1-58 public road or a portion of a public road at the request of an owner
 1-59 of property that abuts the portion of the road being closed,
 1-60 abandoned, and vacated, the commissioners court may require the
 1-61 owner to:

2-1 (1) pay all reasonable administrative costs incurred
2-2 for processing the request and recording the order described by
2-3 Subsection (b) in the county deed records; and

2-4 (2) reimburse the county for the market value of any
2-5 property interest conveyed to the owner.

2-6 (e) A county by order of the commissioners court may adopt
2-7 standard fees required to be paid under Subsection (d)(1) for
2-8 processing a request and recording an order.

2-9 (f) For purposes of Subsection (b), "utility
2-10 infrastructure" includes any facility owned by:

2-11 (1) an electric utility, as defined by Section 31.002,
2-12 Utilities Code; or

2-13 (2) a gas utility, as defined by Section 101.003 or
2-14 121.001, Utilities Code.

2-15 SECTION 2. The change in law made by this Act to Section
2-16 251.058, Transportation Code, applies only to a request to close,
2-17 abandon, and vacate a public road or a portion of a public road that
2-18 is submitted to a commissioners court on or after the effective date
2-19 of this Act. A request submitted to a commissioners court before the
2-20 effective date of this Act is governed by the law in effect when the
2-21 request was submitted, and the former law is continued in effect for
2-22 that purpose.

2-23 SECTION 3. This Act takes effect immediately if it receives
2-24 a vote of two-thirds of all the members elected to each house, as
2-25 provided by Section 39, Article III, Texas Constitution. If this
2-26 Act does not receive the vote necessary for immediate effect, this
2-27 Act takes effect September 1, 2015.

2-28 * * * * *