

- SUBJECT:** Allowing municipal annexation of certain rights-of-way
- COMMITTEE:** Land and Resource Management — committee substitute recommended
- VOTE:** 7 ayes — Deshotel, Leman, Burrows, Craddick, Rosenthal, Spiller, Thierry
2 nays — Biedermann, Romero
- WITNESSES:** For — Brynn Myers, City of Temple; Bill Longley, Texas Municipal League; (*Registered, but did not testify:* Tammy Embrey, City of Corpus Christi; Guadalupe Cuellar, City of El Paso; Justin Till, City of Marfa; Angela Hale, City of McKinney; Julie Wheeler, Travis County Commissioners Court)
Against — None
- DIGEST:** CSHB 1241 would allow municipalities annexing an area upon the request of a property owner in the area to also annex the right-of-way of:
- a street, highway, alley, or other public way or of a railway line, spur, or roadbed, that was contiguous and parallel to the municipality's boundaries and that was contiguous to the area being annexed or a right-of-way of a public road or highway connecting such an area to the municipality by the most direct route; or
 - a public road or highway connecting the area being annexed to the municipality by the most direct route.
- A municipality could annex such a right-of-way only if:
- the municipality provided written notice of the annexation to the owner of the right-of-way no later 61 days before the proposed annexation; and
 - the owner of the right of way did not submit a written objection to the municipality before proposed annexation.

Government entities owning rights-of-way to be annexed under the bill's provisions would be able to specify the location at which a municipality had to deliver written notice.

The bill would exempt the annexation of rights-of-way under its provisions from certain statutory width requirements.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 1241 would facilitate municipal development by removing an obstacle in current law that prevents some landowners who wish to be annexed by a city from being annexed because their property is not separated from city limits by a right-of-way. This obstacle was the unintended result of the state's recent elimination of unilateral municipal annexation.

Property owners in a city's extra-territorial jurisdiction (ETJ) often want to be annexed in order to have access to municipal water, sewer, or other services. Currently, property must be contiguous to the city limits in order to be annexed, and CSHB 1241 would allow a municipality to create contiguity by annexing rights-of-way that connect property owners wishing to be annexed to the municipality.

Concerns that the bill would allow the expansion of municipal ETJs due to "lollipop" annexations could be addressed in a floor amendment.

**CRITICS
SAY:**

CSHB 1241 would enable urban sprawl by allowing cities to expand their ETJ through "lollipop" annexations of areas that are significantly distant from city limits but are connected by a roadway. Such annexations could result in deficient municipal services if annexed areas were not near existing police and fire stations.

