

1-1 By: Zerwas (Senate Sponsor - Hegar) H.B. No. 1643
1-2 (In the Senate - Received from the House May 4, 2011;
1-3 May 5, 2011, read first time and referred to Committee on Economic
1-4 Development; May 13, 2011, reported favorably by the following
1-5 vote: Yeas 6, Nays 0; May 13, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the duration of a development agreement governing land
1-9 in the extraterritorial jurisdiction of certain municipalities.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 212.172(b) and (d), Local Government
1-12 Code, are amended to read as follows:

1-13 (b) The governing body of a municipality may make a written
1-14 contract with an owner of land that is located in the
1-15 extraterritorial jurisdiction of the municipality to:

1-16 (1) guarantee the continuation of the
1-17 extraterritorial status of the land and its immunity from
1-18 annexation by the municipality [~~for a period not to exceed 15~~
1-19 ~~years~~];

1-20 (2) extend the municipality's planning authority over
1-21 the land by providing for a development plan to be prepared by the
1-22 landowner and approved by the municipality under which certain
1-23 general uses and development of the land are authorized;

1-24 (3) authorize enforcement by the municipality of
1-25 certain municipal land use and development regulations in the same
1-26 manner the regulations are enforced within the municipality's
1-27 boundaries;

1-28 (4) authorize enforcement by the municipality of land
1-29 use and development regulations other than those that apply within
1-30 the municipality's boundaries, as may be agreed to by the landowner
1-31 and the municipality;

1-32 (5) provide for infrastructure for the land,
1-33 including:

1-34 (A) streets and roads;
1-35 (B) street and road drainage;
1-36 (C) land drainage; and
1-37 (D) water, wastewater, and other utility
1-38 systems;

1-39 (6) authorize enforcement of environmental
1-40 regulations;

1-41 (7) provide for the annexation of the land as a whole
1-42 or in parts and to provide for the terms of annexation, if
1-43 annexation is agreed to by the parties;

1-44 (8) specify the uses and development of the land
1-45 before and after annexation, if annexation is agreed to by the
1-46 parties; or

1-47 (9) include other lawful terms and considerations the
1-48 parties consider appropriate.

1-49 (d) [~~The parties to a contract may renew or extend it for~~
1-50 ~~successive periods not to exceed 15 years each.~~] The total duration
1-51 of the [~~original~~] contract and any successive renewals or
1-52 extensions may not exceed 45 years.

1-53 SECTION 2. This Act takes effect immediately if it receives
1-54 a vote of two-thirds of all the members elected to each house, as
1-55 provided by Section 39, Article III, Texas Constitution. If this
1-56 Act does not receive the vote necessary for immediate effect, this
1-57 Act takes effect September 1, 2011.

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