

TRANSPORTATION CODE
SUBTITLE D. ROAD LAWS RELATING TO PARTICULAR COUNTIES
CHAPTER 281. ACQUISITION OF PUBLIC INTEREST IN PRIVATE ROAD BY
CERTAIN COUNTIES

Sec. 281.001. APPLICABILITY OF CHAPTER. This chapter applies only to a county with a population of 50,000 or less. Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 281.002. ACQUISITION OF PUBLIC INTEREST IN PRIVATE ROAD. A county may acquire a public interest in a private road only by:

- (1) purchase;
- (2) condemnation;
- (3) dedication; or
- (4) a court's final judgment of adverse possession.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 281.003. DEDICATION. (a) For purposes of this chapter, a dedication must be:

- (1) an explicit voluntary grant of the use of a private road for public purposes; and
- (2) communicated in writing to the commissioners court of the county in which the real property is located.

(b) An oral dedication or intent to dedicate by overt act is not sufficient to establish a public interest in a private road under this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 281.004. ADVERSE POSSESSION. For purposes of this chapter, adverse possession is not established by the:

- (1) use of a private road by the public with the permission of the owner; or
- (2) maintenance with public funds of a private road in which a public interest is not recorded.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 281.005. RESOLUTION OF COMMISSIONERS COURT. (a) After a public interest in a private road is acquired under this chapter, the commissioners court of the county in which the road is located shall record by resolution the interest in the records of the court.

(b) The resolution must state:

- (1) the date on which the interest was acquired; and
- (2) the circumstance by which the interest was acquired.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 281.006. NOTICE TO OWNER REQUIRED. A commissioners court may not assert a public interest in a private road acquired under this chapter until the court:

- (1) complies with Section 281.005; and
- (2) gives written notice to the owner of the road in person or by registered mail to the address of the owner shown on the most recent ad valorem tax roll for the county.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 281.007. CONTEST. A person asserting a right, title, or interest in a private road in which a public interest is asserted under this chapter may file suit in a district court in the county in which the road is located not later than the second anniversary after the later of:

- (1) the date that the resolution required by Section 281.005 is recorded; or
- (2) the date the notice required by Section 281.006 is given to the owner.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.