

CHAPTER 509

S.B. No. 966

An Act relating to the establishment, acquisition, and reception of public interests in private roads in certain counties; providing for recording of interest and notice to owner and owners; providing effective date; amending Sections 2 and 3, Chapter 613, Acts of the 67th Legislature, Regular Session, 1981 (Article 6812h, Vernon's Texas Civil Statutes).

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 2, Chapter 613, Acts of the 67th Legislature, Regular Session, 1981 (Article 6812h, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. **PUBLIC INTEREST.** (a) A county may not establish, acquire, or receive any public interest in a private road except under the following circumstances: (1) purchase; (2) condemnation; (3) dedication; or (4) *final judgment of adverse possession in a court of competent jurisdiction.*

"(b) Once a public interest has been established in accordance with Subsection (a) of this section, the interest must be recorded in the records of the commissioners court of the county in which the road is located *by resolution which declares the circumstance by which such interest was acquired and the effective date thereof.*

"(c) *The commissioners court may not assert that a public interest has been established in a private road by any of the four methods provided in Subsection (a) of this section until the interest has been recorded in the manner provided in Subsection (b) of this section and written notice has been given to the owner(s) of the road either in person or by registered mail to the address of the person as shown on the most recent ad valorem tax roll for the county.*"

SECTION 2. Section 3, Chapter 613, Acts of the 67th Legislature, Regular Session, 1981 (Article 6812h, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. **CONTEST.** Any person asserting any right, title, or interest in a private road in which a public interest has been asserted in accordance with Section 2 of this Act may file suit in a district court in the county in which the road is located within two years after *the later of the following: (1) the resolution [notation] in the records of the commissioners court of the public interest in the road; and (2) the written notice to the owner(s) of the road.*"

SECTION 3. This Act takes effect September 1, 1985.

SECTION 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 3, 1985, by a viva-voce vote; Senate concurred in House amendments on May 27, 1985, by a viva-voce vote; passed the House, with amendments, on May 23, 1985, by a non-record vote.

Approved: June 12, 1985

Effective: September 1, 1985