

## **BILL ANALYSIS**

Senate Research Center  
76R4343 PAM-F

S.B. 220  
By: Armbrister  
State Affairs  
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As Filed

### **DIGEST**

Currently, under Texas law, a landlocked property owner has few limited legal theories available to establish access easements. If a person cannot establish a right of way under any of the limited legal theories, there is no recourse under Texas law. Federal case law has suggested a broad remedy would be constitutional if an overall public purpose is served. Public purposes, such as the promotion of alienability, the assurance of orderly development of land, and the preservation of taxable value, support this legislation. This bill would grant a landlocked property owner the right to an access easement under certain circumstances.

### **PURPOSE**

As proposed, S.B. 220 grants the owner of landlocked property the right to an access easement under certain circumstances.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 4, Property Code, by adding Chapter 30, as follows:

#### **CHAPTER 30. ACCESS EASEMENT TO LANDLOCKED TRACT**

Sec. 30.001. DEFINITIONS. Defines "adjoining tract," "landlocked owner," and "~~landlocked~~ tract."

Sec. 30.002. RIGHT TO IMPOSE ACCESS EASEMENT. Authorizes a landlocked owner to condemn a portion of real property, not more than 20 feet in width, on one adjoining tract to acquire a nonexclusive access easement for the purpose of reasonable ingress to and egress from the landlocked tract. Provides that a condemnation proceeding under this chapter is subject to Chapter 21, and the landlocked owner must file a petition in the same manner as provided by that chapter.

Sec. 30.003. ROUTE OF EASEMENT. Requires the access easement route to be the shortest route to the landlocked tract following certain other requirements.

Sec. 30.004. MAINTENANCE OF EASEMENT. Requires the landlocked owner who condemns an access easement under this chapter to maintain the easement and keep the easement open for public use.

SECTION 2. Effective date: upon voter approval of the corresponding constitutional amendment.  
Provides that if the amendment is not approved, this Act has no effect.

SECTION 3. Emergency clause.