

GOVERNMENT CODE
TITLE 10. GENERAL GOVERNMENT
SUBTITLE E. GOVERNMENT PROPERTY
CHAPTER 2206. EMINENT DOMAIN

SUBCHAPTER A. LIMITATIONS ON PURPOSE AND USE OF PROPERTY ACQUIRED
THROUGH EMINENT DOMAIN

Sec. 2206.001. LIMITATION ON EMINENT DOMAIN FOR PRIVATE PARTIES OR ECONOMIC DEVELOPMENT PURPOSES. (a) This section applies to the use of eminent domain under the laws of this state, including a local or special law, by any governmental or private entity, including:

- (1) a state agency, including an institution of higher education as defined by Section [61.003](#), Education Code;
- (2) a political subdivision of this state; or
- (3) a corporation created by a governmental entity to act on behalf of the entity.

(b) A governmental or private entity may not take private property through the use of eminent domain if the taking:

- (1) confers a private benefit on a particular private party through the use of the property;
- (2) is for a public use that is merely a pretext to confer a private benefit on a particular private party;
- (3) is for economic development purposes, unless the economic development is a secondary purpose resulting from municipal community development or municipal urban renewal activities to eliminate an existing affirmative harm on society from slum or blighted areas under:

(A) Chapter [373](#) or [374](#), Local Government Code, other than an activity described by Section [373.002](#)(b)(5), Local Government Code; or

(B) Section [311.005](#)(a)(1)(I), Tax Code; or

- (4) is not for a public use.

(c) This section does not affect the authority of an entity authorized by law to take private property through the use of eminent domain for:

(1) transportation projects, including, but not limited to, railroads, airports, or public roads or highways;

(2) entities authorized under Section 59, Article XVI, Texas Constitution, including:

(A) port authorities;

(B) navigation districts; and

(C) any other conservation or reclamation districts that act as ports;

(3) water supply, wastewater, flood control, and drainage projects;

(4) public buildings, hospitals, and parks;

(5) the provision of utility services;

(6) a sports and community venue project approved by voters at an election held on or before December 1, 2005, under Chapter 334 or 335, Local Government Code;

(7) the operations of:

(A) a common carrier pipeline; or

(B) an energy transporter, as that term is defined by Section 186.051, Utilities Code;

(8) a purpose authorized by Chapter 181, Utilities Code;

(9) underground storage operations subject to Chapter 91, Natural Resources Code;

(10) a waste disposal project; or

(11) a library, museum, or related facility and any infrastructure related to the facility.

(d) This section does not affect the authority of a governmental entity to condemn a leasehold estate on property owned by the governmental entity.

(e) The determination by the governmental or private entity proposing to take the property that the taking does not involve an act or circumstance prohibited by Subsection (b) does not create a presumption with respect to whether the taking involves that act or circumstance.

Added by Acts 2005, 79th Leg., 2nd C.S., Ch. 1 (S.B. 7), Sec. 1, eff. November 18, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 81 (S.B. 18), Sec. 2, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 693 (H.B. 364), Sec. 1, eff. September 1, 2011.

Sec. 2206.002. LIMITATIONS ON EASEMENTS. (a) This section applies only to an easement acquired by an entity for the purpose of a pipeline to be used for oil or gas exploration or production activities.

(b) A property owner whose property is acquired through the use of eminent domain under Chapter 21, Property Code, for the purpose of creating an easement through that owner's property may construct streets or roads, including gravel, asphalt, or concrete streets or roads, at any locations above the easement that the property owner chooses.

(c) The portion of a street or road constructed under this section that is within the area covered by the easement:

- (1) must cross the easement at or near 90 degrees; and
- (2) may not:
 - (A) exceed 40 feet in width;
 - (B) cause a violation of any applicable pipeline regulation; or
 - (C) interfere with the operation and maintenance of any pipeline.

(d) At least 30 days before the date on which construction of an asphalt or concrete street or road that will be located wholly or partly in an area covered by an easement used for a pipeline is scheduled to begin, the property owner must submit plans for the proposed construction to the owner of the easement.

(e) Notwithstanding the provisions of this section, a property owner and the owner of the easement may agree to terms other than those stated in Subsection (c).

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 81 (S.B. 18), Sec. 2, eff. September 1, 2011.

SUBCHAPTER B. PROCEDURES REQUIRED TO INITIATE
EMINENT DOMAIN PROCEEDINGS

Sec. 2206.051. SHORT TITLE. This subchapter may be cited as the Truth in Condemnation Procedures Act.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 81 (S.B. 18), Sec. 2, eff. September 1, 2011.

Sec. 2206.052. APPLICABILITY. The procedures in this subchapter apply only to the use of eminent domain under the laws of this state by a governmental entity.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 81 (S.B. 18), Sec. 2, eff. September 1, 2011.

Sec. 2206.053. VOTE ON USE OF EMINENT DOMAIN. (a) Before a governmental entity initiates a condemnation proceeding by filing a petition under Section 21.012, Property Code, the governmental entity must:

(1) authorize the initiation of the condemnation proceeding at a public meeting by a record vote; and

(2) include in the notice for the public meeting as required by Subchapter C, Chapter 551, in addition to other information as required by that subchapter, the consideration of the use of eminent domain to condemn property as an agenda item.

(b) A single ordinance, resolution, or order may be adopted for all units of property to be condemned if:

(1) the motion required by Subsection (e) indicates that the first record vote applies to all units of property to be condemned; and

(2) the minutes of the governmental entity reflect that the first vote applies to all of those units.

(c) If more than one member of the governing body objects to adopting a single ordinance, resolution, or order by a record vote for all units of property for which condemnation proceedings are to be initiated, a separate record vote must be taken for each unit of

property.

(d) For the purposes of Subsections (a) and (c), if two or more units of real property are owned by the same person, the governmental entity may treat those units of property as one unit of property.

(e) The motion to adopt an ordinance, resolution, or order authorizing the initiation of condemnation proceedings under Chapter 21, Property Code, must be made in a form substantially similar to the following: "I move that the (name of governmental entity) authorize the use of the power of eminent domain to acquire (describe the property) for (describe the public use)." The description of the property required by this subsection is sufficient if the description of the location of and interest in the property that the governmental entity seeks to acquire is substantially similar to the description that is or could properly be used in a petition to condemn the property under Section 21.012, Property Code.

(f) If a project for a public use described by Section 2206.001(c)(3) will require a governmental entity to acquire multiple tracts or units of property to construct facilities connecting one location to another location, the governing body of the governmental entity may adopt a single ordinance, resolution, or order by a record vote that delegates the authority to initiate condemnation proceedings to the chief administrative official of the governmental entity.

(g) An ordinance, resolution, or order adopted under Subsection (f) is not required to identify specific properties that the governmental entity will acquire. The ordinance, resolution, or order must identify the general area to be covered by the project or the general route that will be used by the governmental entity for the project in a way that provides property owners in and around the area or along the route reasonable notice that the owners' properties may be subject to condemnation proceedings during the planning or construction of the project.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 81 (S.B. 18), Sec. 2, eff. September 1, 2011.

SUBCHAPTER C. EXPIRATION OF CERTAIN EMINENT DOMAIN AUTHORITY

Sec. 2206.101. REPORT OF EMINENT DOMAIN AUTHORITY; EXPIRATION OF AUTHORITY. (a) This section does not apply to an entity that was created or that acquired the power of eminent domain on or after December 31, 2012.

(b) Not later than December 31, 2012, an entity, including a private entity, authorized by the state by a general or special law to exercise the power of eminent domain shall submit to the comptroller a letter stating that the entity is authorized by the state to exercise the power of eminent domain and identifying each provision of law that grants the entity that authority. The entity must send the letter by certified mail, return receipt requested.

(c) The authority of an entity to exercise the power of eminent domain expires on September 1, 2013, unless the entity submits a letter in accordance with Subsection (b).

(d) Repealed by Acts 2019, 86th Leg., R.S., Ch. 573 (S.B. 241), Sec. 3.01(2), eff. September 1, 2019.

(e) The Texas Legislative Council shall prepare for consideration by the 84th Legislature, Regular Session, a nonsubstantive revision of the statutes of this state as necessary to reflect the state of the law after the expiration of an entity's eminent domain authority effective under Subsection (c).

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 81 (S.B. 18), Sec. 2, eff. September 1, 2011.

Acts 2019, 86th Leg., R.S., Ch. 573 (S.B. 241), Sec. 3.01(2), eff. September 1, 2019.

SUBCHAPTER D. EMINENT DOMAIN AUTHORITY REPORTING; PUBLIC AVAILABILITY

Sec. 2206.151. APPLICABILITY. This subchapter applies to public and private entities, including common carriers, authorized by the state by a general or special law to exercise the power of eminent domain.

Added by Acts 2015, 84th Leg., R.S., Ch. 1218 (S.B. [1812](#)), Sec. 1, eff. June 19, 2015.

Sec. 2206.152. CREATION DATE. For the purposes of this subchapter, an entity described by Section [2206.151](#) is considered to have been created on:

(1) the earliest date on which the entity existed if the entity was authorized to exercise the power of eminent domain on that date; or

(2) the earliest date on which the entity was authorized to exercise the power of eminent domain if the entity did not have that authority on the earliest date on which the entity existed.

Added by Acts 2015, 84th Leg., R.S., Ch. 1218 (S.B. [1812](#)), Sec. 1, eff. June 19, 2015.

Sec. 2206.153. EMINENT DOMAIN DATABASE. (a) The comptroller shall create and make accessible on an Internet website maintained by the comptroller an eminent domain database as provided by this section.

(b) The eminent domain database must include with respect to each entity described by Section [2206.151](#):

(1) the name of the entity;

(2) the entity's address and public contact information;

(3) the name of the appropriate officer or other person representing the entity and that person's contact information;

(4) the type of entity;

(5) each provision of law that grants the entity eminent domain authority;

(6) the focus or scope of the eminent domain authority granted to the entity;

(7) the earliest date on which the entity had the authority to exercise the power of eminent domain;

(8) the entity's taxpayer identification number, if any;

(9) whether the entity exercised the entity's eminent domain authority in the preceding calendar year by the filing of a condemnation petition under Section [21.012](#), Property Code; and

(10) the entity's Internet website address or, if the entity does not operate an Internet website, contact information to enable a member of the public to obtain information from the entity.

(c) The comptroller may consult with the appropriate officer of, or other person representing, each entity to obtain the information necessary to maintain the eminent domain database.

(d) To the extent information required in the eminent domain database is otherwise collected or maintained by a state agency or political subdivision, the comptroller may request and the state agency or political subdivision shall provide that information and any update to the information as necessary for inclusion in the eminent domain database.

(e) At least annually, the comptroller shall update information in the eminent domain database for each entity, as appropriate.

(f) To the extent possible, the comptroller shall present information in the eminent domain database in a manner that is searchable and intuitive to users. The comptroller may enhance and organize the presentation of the information through the use of graphical representations as the comptroller considers appropriate.

(g) The comptroller may not charge a fee to the public to access the eminent domain database.

Added by Acts 2015, 84th Leg., R.S., Ch. 1218 (S.B. [1812](#)), Sec. 1, eff. June 19, 2015.

Sec. 2206.154. REPORTING OF INFORMATION TO COMPTROLLER.

(a) Except as provided by Subsections (b) and (b-1), not later than February 1 of each year, an entity described by Section [2206.151](#) shall submit to the comptroller a report containing records and other information specified by this subchapter for the purpose of providing the comptroller with information to maintain the eminent domain database under Section [2206.153](#). The entity shall submit the report in a form and in the manner prescribed by

the comptroller.

(b) An entity described by Section 2206.151 created on or after September 1, 2015, is not required to submit the entity's initial report under Subsection (a) before the 180th day after the date of the entity's creation.

(b-1) A political subdivision described by Subsection (b-2) is required to file an annual report under Subsection (a) only if the political subdivision's eminent domain authority information has changed from the information reported in the most recent report filed by the political subdivision under this section. If for the current annual reporting period the political subdivision's eminent domain authority information is the same as the information reflected for the political subdivision in the eminent domain database for the previous annual reporting period, the political subdivision, not later than February 1 of the current annual reporting period, shall confirm the accuracy of the information by electronically updating the political subdivision's previously filed report with the comptroller in the manner prescribed by the comptroller.

(b-2) Subsection (b-1) applies to the following political subdivisions:

(1) a public school district located in a county with a population of less than 25,000;

(2) a municipality or county with a population of less than 25,000; or

(3) a district created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, with a population of less than 25,000.

(c) In addition to the annual report required under Subsection (a), an entity described by Section 2206.151 shall report to the comptroller any changes to the entity's eminent domain authority information reported under this section not later than the 90th day after the date on which the change occurred.

Added by Acts 2015, 84th Leg., R.S., Ch. 1218 (S.B. 1812), Sec. 1, eff. June 19, 2015.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 937 (S.B. 157), Sec. 1, eff.

September 1, 2021.

Sec. 2206.155. PENALTIES FOR NONCOMPLIANCE. (a) If an entity does not timely submit a report that complies with Section [2206.154](#), the comptroller shall provide written notice to the entity:

(1) informing the entity of the entity's violation of that section; and

(2) notifying the entity that the entity will be subject to a penalty of \$1,000 if the entity does not report the required information on or before the 30th day after the date the notice is provided.

(b) Not later than the 30th day after the date the comptroller provides notice to an entity under Subsection (a), the entity must report the required information.

(c) If an entity does not report the required information as prescribed by Subsection (b):

(1) the entity is liable to the state for a civil penalty of \$1,000; and

(2) the comptroller shall provide written notice to the entity:

(A) informing the entity of the entity's liability for the penalty; and

(B) notifying the entity that if the entity does not report the required information on or before the 30th day after the date the notice is provided:

(i) the entity will be subject to an additional penalty of \$1,000; and

(ii) the entity's noncompliance will be reflected in the eminent domain database maintained by the comptroller.

(d) Not later than the 30th day after the date the comptroller provides notice to an entity under Subsection (c), the entity must report the required information.

(e) If an entity does not report the required information as prescribed by Subsection (d):

(1) the entity is liable to the state for a civil

penalty of \$1,000; and

(2) the comptroller shall:

(A) reflect the entity's noncompliance in the database required by this subchapter by including the entity on a separately maintained list of noncomplying entities and in any other manner determined appropriate by the comptroller until the entity reports all information required under Section [2206.154](#); and

(B) provide written notice to the entity that the entity's noncompliance will be reflected in the database until the entity reports the required information.

(f) The attorney general may sue to collect a civil penalty imposed by this section.

Added by Acts 2015, 84th Leg., R.S., Ch. 1218 (S.B. [1812](#)), Sec. 1, eff. June 19, 2015.

Sec. 2206.156. EMINENT DOMAIN AUTHORITY NOT AFFECTED. The reporting, failure to report, or late submission of a report by a public or private entity, including a common carrier, under this subchapter does not affect the entity's authority to exercise the power of eminent domain.

Added by Acts 2015, 84th Leg., R.S., Ch. 1218 (S.B. [1812](#)), Sec. 1, eff. June 19, 2015.

Sec. 2206.157. RULES. The comptroller may adopt rules and establish policies and procedures to implement this subchapter.

Added by Acts 2015, 84th Leg., R.S., Ch. 1218 (S.B. [1812](#)), Sec. 1, eff. June 19, 2015.