

September 1, 2011

New Requirements Under Texas Eminent Domain Laws

The 2011 Texas Legislature adopted broad changes to eminent domain laws that take effect on September 1, 2011. Under the new law, public and private entities that hold condemnation power face important new requirements and deadlines. While governmental entities have numerous new procedural hurdles, private entities (such as pipeline and power companies) are also confronted with changes that they need to be aware of, including:

- **Registration Now Required for Condemning Authorities**

Private entities with the power of eminent domain are now required to register with the Texas Comptroller by December 31, 2012. Failure to meet this deadline will result in the condemnation power expiring on September 1, 2013.

- **Pipeline Easements Restricted**

Landowners may now construct a street or road above pipeline easements on their property. Although this grants property owners additional negotiating power as to location of the easement, the statute still regulates the size, direction, and construction material and prohibits the interference with any pipeline operation or maintenance.

- **Appraisal Required Before Offer**

All condemning authorities, including pipeline and power companies, must acquire an appraisal prior to making an offer. This appraisal must be included with the offer to the landowner and the final offer amount must be for at least the appraised value.

These changes highlight some of the procedural and administrative requirements that private condemning authorities must now comply with. Private entities should take notice of these statutory changes in order to both maintain their eminent domain powers and to successfully manage condemnation projects.

For more information regarding these and other changes to eminent domain laws, please visit the [Public Law Practice Group](#) page of the Haynes and Boone, LLP website, or contact any of the lawyers listed below:

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