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The Woodlands Township
2801 Technology Forest Blvd.
The Woodlands, TX 77381

I am a long-time resident of The Woodlands (currently moving from Indian Springs to Creekside). As such, I have followed the discussion of the potential impacts of incorporation of my home town. One area of interest has been the impact of incorporation with respect to roads in the incorporated area. In relation to this topic, I read the Executive Summary opinion by the firm Akers & Akers, LLP dated September 25, 2018 and entitled, "Executive Summary—City Authority Over Streets and MUDS" (available on-line). To refresh your recollection, with respect to roads, the opinion's conclusion is succinctly stated in its first paragraph:

"After incorporation, all public streets, dedicated to public use on a subdivision plat, will be the responsibility of the new city and will be considered city streets over which the city has exclusive control and jurisdiction."

However, as further detailed in my attached opinion, I believe this conclusion requires additional review.

The Akers opinion quotes section 251.012 (County Authority in Municipality) of the Texas Transportation Code in support of its conclusion. *Subsection (a)* does provide that support. However, the Akers opinion fails to either acknowledge or explain the impacts of subsection (e) of the same section 251.012:

"(e) The authority granted by this section is in addition to the authority of a county provided by a local road law."

Early in the 20th century, the Texas Legislature enacted specific legislation granting special rights to Harris and Montgomery County with respect to roads within their jurisdictions:

- Montgomery County Road Law: Acts 1901, 27th Leg., Ch. 45, Section 2, 76, and

- Harris County Road Law: Local and Special Laws of Texas, Acts of the 33rd Legislature, 1913 Ch. 17, P. 64 et seq.

The Legislature's authority to do so is derived directly from the Texas State Constitution. And, despite their age, each Act remains fundamentally in operation today according to opinions of the Harris County and Montgomery County Attorneys' Offices (also attached).

Pursuant to these local "Road Laws," it appears that each County can act within the boundaries of an incorporated entity **without** that entity's approval or consent and that, in fact, the entity will **not** have "exclusive control and jurisdiction" over streets. Details regarding the applicability of these Acts, as well as court decisions discussing their impact, may be found in my opinion and the County Attorney opinions attached.

I will be the first to admit this is not my area of expertise (I was an oil and gas attorney until my retirement in 2017 – though I am still license to practice). Moreover, the Akers opinion is just an "Executive Summary" – perhaps they discuss this apparent contradiction in depth in the complete opinion (which is not available on-line). However, there appears to be a fundamental disconnect between the assertion that incorporation grants very specific and very exclusive powers to an incorporated entity and the actual laws on the books. This disconnect should be further investigated and explained before any assertion of exclusive control and jurisdiction is used as a basis for action.

I appreciate the opportunity to contribute to the public process and would be happy to discuss my opinion or conclusions. I can be reached at the contact information above.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. R. Buck', with a long horizontal flourish extending to the right.

William R Buck