



## ARTICLES & NEWS

### Renaming Public and Private Roads in Fort Bend County, Texas

*A practical overview for property owners, developers, purchasers, and real estate professionals*

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**Summary:** A road-name change may begin as an addressing matter, but it can affect other property owners, title review, surveys, easements, recorded instruments, emergency response, utility records, appraisal records, contracts, and future sale documents.

## Introduction

Road names are more than mere labels. In real estate transactions, development projects, and subdivision planning, a road name change can impact emergency response, addressing, title review, recorded instruments, surveys, utilities, appraisal records, insurance, lender requirements, and property marketability.

In Fort Bend County, these issues often arise in unincorporated areas where growth, private development, acreage tracts, master-planned communities, municipal utility districts, private streets, and older recorded roads intersect. A road-name change may appear simple, but the process requires attention to county procedure, public notice, affected owners, title documents, access rights, and post-approval record updates.

## Texas Legal Framework

Texas Transportation Code Section 251.013 grants a county commissioners court authority to adopt uniform standards for naming public roads located wholly or partly in unincorporated areas of the county and for assigning address numbers to property located in unincorporated areas. The statute also authorizes the commissioners court, by order, to adopt a name for a public road located wholly or partly in an unincorporated area and to assign addresses where no established address system exists.

Section 251.013 requires a public hearing before the commissioners court adopts an order. The court must give public notice of the hearing. Generally, if a county order conflicts with a municipal ordinance, the municipal ordinance controls within the territory where the ordinance is effective.

The type of road is important and sets a path for analysis and proposed changes. Distinguishing the difference between a public road, a county road, and a private road is essential. A public road may exist even if the county has not accepted it into the county maintenance system. A county road is generally a public road under county supervision or maintenance. A private road, by contrast, is commonly created by private ownership, easement, subdivision documents, development documents, or some other private arrangement.

Renaming a private road for addressing purposes does not convert it into a public road, dedicate it to public use, or shift maintenance responsibility. While a name change can resolve addressing and emergency-response issues, it does not automatically address title, access, easement, maintenance, platting, or development obligations.

## **Fort Bend County Practice**

In Fort Bend County, road-name issues commonly involve the County Engineering Department, GIS/addressing staff, Commissioners Court, and affected property owners. Depending on the location and character of the road, the process may also require coordination with emergency responders, the Fort Bend Central Appraisal District, utility providers, postal-delivery systems, municipalities, municipal utility districts, homeowners associations, developers, title companies, surveyors, and adjoining owners.

Jurisdiction is the threshold issue. Roads within city limits fall under municipal control, while those in extraterritorial jurisdictions or unincorporated areas involve county processes. Title companies, surveyors, lenders, buyers, and sellers must reconcile the new name with deeds, easements, plats, surveys, restrictions, maintenance agreements, and existing county records.

The next issue relates to the justification for the requested change. Often, justification is found in eliminating duplicate or confusing road names, improving 911 response, conforming a private street to development documents, correcting addressing problems, improving continuity with surrounding roads, or resolving conflicts between recorded documents and current county addressing records.

Finally, the third issue links consent and affected interests. For private roads, affected owners should be identified and contacted before the request is submitted. If a private road serves multiple tracts, multiple residences, a development entity, a homeowners association, or a municipal utility district, or any other person – they need notice, consent, or at least some form of invitation to participate. Even where formal legal consent is not required by statute for every affected interest, early coordination reduces the risk of objections, delays, and later title disputes.

## **Public-Road Name Changes**

A public-road name change typically starts with a request to the Fort Bend County Engineering Department or GIS/addressing staff. After review for duplication, consistency with county standards, and emergency-response impacts, the matter is placed on the Commissioners Court agenda for a

public hearing. Notice is provided, public comments are received, and the court may then approve the change by order.

If the matter proceeds, it may be placed on the Commissioners Court agenda to set a public hearing. Notice is then provided as required. At the public hearing, Commissioners Court may receive public comment and then act on the proposed order. If approved, the change should be reflected in the Commissioners Court minutes, county addressing records, GIS records, and related county systems. In some instances, staff recommends the change and an appearance may only be for formality and not to actually speak or address the Commissioners Court.

The approval order is not the end of the work. After approval, property owners and developers need to update address records, title materials, recorded instruments, plats, surveys, loan documents, insurance records, appraisal-district records, utility accounts, contracts, marketing materials, and closing documents.

A formal opinion from Attorney General Ken Paxton addresses a query from the Montgomery County Attorney regarding the authority of a county commissioners court under Texas Transportation Code Chapter 251 to abandon or rename a public road that has not been accepted into the county's road maintenance system.

The opinion draws two main conclusions:

1. **Abandonment Authority** — A commissioners court has the power under Transportation Code § 251.051(a) to abandon a public road even if the county has not accepted it for maintenance. The statute refers to “public roads” rather than “county roads,” and the Legislature’s choice of language is deliberate. Abandonment means relinquishing the public’s right of way and use of the road. Prior opinions and case law support that formal action by the commissioners court is required for abandonment, and mere non-maintenance does not automatically abandon a road.

2. **Naming or Renaming Authority** — Under Transportation Code § 251.013(b), a commissioners court may name or rename a public road located wholly or partly in an unincorporated area of the county, regardless of whether the road has been accepted into the county maintenance system. The provision uses the term “public road” and contains no maintenance prerequisite. The opinion also confirms that the authority to name includes the authority to rename.

The opinion also confirms two distinctions and addresses earlier opinions, in the context of public and county road: All county-maintained roads are public roads, but not all public roads are county roads. A public road is one laid out and established according to law that has not been discontinued. A county may choose to accept a dedicated public road into its maintenance system, but it is not required to do so. The opinion clarifies that certain prior Attorney General opinions such as GA-0809, GA-0139, and M-534 do not restrict the current analysis, as they addressed different contexts or predated relevant statutory changes.

This opinion supports the road renaming practices of Fort Bend County. It confirms that the Commissioners Court and Engineering Department can process name changes and abandonments for both maintained public roads and public roads that remain unaccepted for maintenance, as well as many private or easement-based roads treated as public for naming purposes. This is particularly relevant for private road renamings like the Dewberry Lane to Two Gun Way example, where naming facilitates addressing and emergency services without the county assuming maintenance duties.

The opinion emphasizes the need for proper procedure that includes a public hearing, notice, and formal order by the Commissioners Court. It reinforces the concept that counties have broad but procedurally governed authority over public roads in unincorporated areas.

## Private-Road Name Changes

Private-road name changes require additional care because the county's role in assigning addresses does not necessarily determine private property rights.

A private road may be owned by one or more individuals, maintained by a homeowners association, controlled by a developer, located within an easement, shown on a subdivision plat, or governed by private restrictions or maintenance agreements. A name change does not normally alter those underlying rights and duties. It does not necessarily change who owns the road, who maintains it, who may use it, or whether the public has any right of access or any interest that is appraised and/or taxed at the local appraisal district.

For these and other reasons, private-road name changes should be reviewed as both an addressing matter and a real-property matter. The recorded instruments related to the affected properties should be examined before the request is made. This review may include deeds, easements, plats, development agreements, subdivision restrictions, maintenance agreements, MUD documents, title commitments, surveys, and prior county records.

In many cases, a private-road name change should be supported by a clear written request, owner consent or authorization, a map or exhibit, and confirmation that the proposed name will not conflict with another road name in the county. If the private road serves several parcels, it is usually better to resolve any other owner issues before the matter reaches Commissioners Court.

## Anticipate Title and Development Issues

While certain issues have been addressed generally, the interested parties should understand that a road-name change can affect real estate documents in several ways.

First, the legal description controls over the common address. A deed, easement, deed of trust, or contract should not rely on a street address alone to identify real property; however, property descriptions often include the legal description and sometimes state an address by which the property is commonly known. If the road name changes, the legal description should still identify the property correctly.

Second, title commitments and surveys may show recorded easements, access rights, private-road references, plat notes, maintenance obligations, or exceptions using the former road name. A purchaser, lender, title company, or surveyor may need to reconcile the old name with the new name.

Third, private-road maintenance obligations should be checked. A name change does not decide who pays for road repairs, signage, drainage, access gates, utilities, or future improvements.

Fourth, recorded restrictions and development documents may need attention. If subdivision documents, HOA records, MUD agreements, construction contracts, or development agreements refer to the prior road name, later users of the documents may need a clear paper trail showing the approved change.

Fifth, post-approval implementation steps must be completed. Signs, maps, emergency-response databases, appraisal records, postal records, utility accounts, insurance records, and marketing materials may all need to be updated. Failure to complete these steps can result in inconsistent records even after the new name was approved.

## **Public-Record Example: Dewberry Lane to Two Gun Way**

A Fort Bend County public-record example involved the requested change of a private street name from Dewberry Lane to Two Gun Way in the Katy area.

The Firm investigated the preliminary issues and began the process. A request was submitted to Fort Bend County Engineering to change the private street name from Dewberry Lane to Two Gun Way. County staff identified a conflict: Dewberry Lane existed both as a private street off Fulshear-Katy Road and as a public street off Holmes Road. Two Gun Way was an acceptable alternative with no duplication in the county. After proper notice, the Commissioners Court held a public hearing and approved the change, with no public comments. The approval was handled on behalf of Michael and Angela Cohen and Touhy Capital, LLC.

The County materials included Engineering correspondence, public-hearing materials, a road-name-change request form, and an exhibit, partially shown below, identifying the street and surrounding property. After notice, the Commissioners Court held a public hearing. The minutes reflect that there were no public comments and that the street-name change from Dewberry Lane to Two Gun Way, on behalf of Michael and Angela Cohen and Touhy Capital, LLC, was approved unanimously as part of the applicable agenda items.

This example shows the practical relationship between county addressing procedure and real-estate development. The immediate issue was a road-name conflict, but the legal work surrounding such a change may also involve title, access, ownership, development documents, private-road obligations, construction issues, and coordination with public and private entities.



A properly handled road-name change creates a clear record. A poorly handled one can create confusion in title, development, emergency response, and future sale documents. Property owners and developers should coordinate with county staff, surveyors, title professionals, and legal counsel before and after the Commissioners Court process.

## Selected Authorities and Reference Materials

- [Texas Transportation Code Section 251.013](#)
- [Texas Attorney General Opinion KP-0436 \(2023\)](#)
- [Fort Bend County Commissioners Court Online](#)
- [Fort Bend County Commissioners Court minutes approving Dewberry Lane name change to Two Gun Way](#)

**Disclaimer.** This article is provided for general informational purposes only and does not constitute legal, engineering, surveying, title, or any professional advice. Road-naming procedures, county practices, and legal requirements may change and vary by jurisdiction. Property owners and developers should consult qualified professionals and the appropriate public authorities regarding their specific circumstances and property.