

By: Bailes

H.B. No. 4664

A BILL TO BE ENTITLED

1 AN ACT
2 relating to authorizing the sale of certain real property by the
3 State of Texas to the Trinity River Authority of Texas.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. (a) Subject to Subsections (b), (c), (d), and
6 (e) of this section and not later than December 31, 2021, the State
7 of Texas shall offer to convey the real property described by
8 Section 2 of this Act to the Trinity River Authority of Texas.

9 (b) The real property described by Section 2 of this Act may
10 not be conveyed by the State of Texas to the Trinity River Authority
11 of Texas for an amount less than the fair market value of the real
12 property. The fair market value of the real property must be
13 established by an independent appraisal obtained by the asset
14 management division of the General Land Office.

15 (c) The proceeds from the sale of real property authorized
16 by this Act shall be deposited to the credit of the permanent school
17 fund.

18 (d) The conveyance of the real property described by Section
19 2 of this Act shall:

20 (1) be made subject to all valid covenants,
21 conditions, reservations, restrictions, rights-of-way, easements,
22 and leases, if any, that are recorded or apparent by visual
23 inspection; and

24 (2) reserve to the State of Texas, for the use and

1 benefit of the permanent school fund, all right, title, and
2 interest in all oil, gas, and other minerals in and under the real
3 property described by Section 2 of this Act.

4 (e) Sections 31.1571, 31.158, and 31.159, Natural Resources
5 Code, do not apply to the sale of real property authorized by this
6 Act.

7 SECTION 2. The real property held by the State of Texas
8 being a portion of the bed of the Trinity River, adjacent to the
9 William Pace League, A-60, Polk County, Texas and the Arthur Garner
10 League, A-16, San Jacinto County, Texas, being 42.26 acres of real
11 property, more or less, located in Polk and San Jacinto Counties,
12 Texas, and more particularly described by metes and bounds as
13 follows:

14 BEGINNING at Y = 139,874.90 varas X = 1,322,677.95 varas, at
15 the intersection of the easterly gradient boundary of the Trinity
16 River in Polk County with the centerline of a bridge on F.M. 3278, a
17 calculated point (1) for corner;

18 THENCE, S 65°-58'-41" W, with the centerline of said bridge,
19 crossing the Trinity River, at approximately 81 varas pass the
20 thread of the river, being the west line of Polk and the east line of
21 San Jacinto Counties, continuing into San Jacinto County, a total
22 distance of 162.23 varas to an intersection with the westerly
23 gradient boundary of the Trinity River, being the easterly line of a
24 called 83.654 acre tract described in a deed to Camilla
25 Investments, LLC recorded as file no. 11-2895, Official Public
26 Records of San Jacinto County, Texas, a calculated point (2) for
27 corner;

1 THENCE, upstream, along the gradient boundary line of the
2 Trinity River and Camilla Investments, LLC tract as follows:

- 3 N 33°-29'-26" W - 61.56 varas to a calculated point (3);
4 N 26°-08'-31" W - 55.35 varas to a calculated point (4);
5 N 01°-09'-23" E - 30.73 varas to a calculated point (5);
6 N 67°-48'-31" W - 40.08 varas to a calculated point (6);
7 N 87°-15'-04" W - 33.90 varas to a calculated point (7);
8 N 63°-29'-18" W - 22.51 varas to a calculated point (8);
9 N 82°-54'-23" W - 76.81 varas to a calculated point (9);
10 S 89°-06'-28" W - 64.12 varas to a calculated point (10);
11 N 82°-15'-24" W - 55.92 varas to a calculated point (11);
12 N 73°-39'-03" W - 106.19 varas to a calculated point (12);
13 N 68°-28'-53" W - 53.77 varas to a calculated point (13);
14 N 53°-42'-21" W - 52.16 varas to a calculated point (14);
15 N 82°-20'-38" W - 21.62 varas to a calculated point (15);
16 N 60°-18'-18" W - 42.03 varas to a calculated point (16);
17 N 39°-06'-13" W - 34.66 varas to a calculated point (17);
18 S 59°-49'-36" W - 15.44 varas to a calculated point (18);
19 N 73°-02'-44" W - 33.45 varas to a calculated point (19);

20 THENCE S 30°-16'-39" W, departing the gradient boundary,
21 perpendicular to its general course, at 14.40 varas, set a 5/8" iron
22 rod with a 2" diameter aluminum cap stamped "L.E. Woods Texas
23 L.S.L.S." for reference point (63), continuing S 30°-16'-39" W, a
24 total distance of 75.07 varas to a 1/2" iron rod found, point (20),
25 for a north corner of said Camilla Investments, LLC tract and the
26 southeast corner of a called 127.72 acre parcel, described as Cause
27 No. VIII-A, awarded to the Trinity River Authority (TRA), according

1 to Final Decree of Condemnation No. 11,243 recorded in Volume 98,
2 page 428, Deed Records of San Jacinto County, Texas;

3 THENCE, N 25°-43'-00" W, with the east line of said TRA 127.72
4 acre parcel, a distance of 15.08 varas to a calculated point (21);

5 THENCE, N 08°05'00" W, continuing with the east line of said
6 TRA 127.72 acre parcel, a distance of 166.57 varas to a calculated
7 point (22) for its northeast corner and the southeast corner of a
8 called 86.25 acre parcel described, as Cause No. VIII-B, in said
9 Final Decree of Condemnation No. 11,243 recorded in Volume 98, page
10 428, Deed Records of San Jacinto County, Texas;

11 THENCE, N 05°-45'-00" W, with the east line of said TRA 86.25
12 acre parcel, a distance of 153.76 varas to a calculated point (23);

13 THENCE, N 16°-37'-00" E, continuing with the east line of said
14 TRA 86.25 acre parcel, a distance of 41.42 varas to its intersection
15 with the present gradient boundary line of the Trinity River, a
16 calculated point (24);

17 THENCE, S 83°25'44" E, along the present gradient boundary
18 line of the Trinity River, a distance of 65.78 varas to a
19 calculated point (25);

20 THENCE, S 50°-24'-23" E, continuing along the present
21 gradient boundary line of the Trinity River, crossing back into
22 Polk County, a distance of 39.77 varas to a calculated point (26),
23 being on the southwest side of a peninsula lying between the
24 original course of the Trinity River and the channel excavated to
25 discharge water from the floodgates of the Lake Livingston Dam;

26 THENCE, downstream, along the present gradient boundary line
27 of the Trinity River on the southwest side of said peninsula as

1 follows:

- 2 S 36°-15'-40" E - 19.25 varas to a calculated point (27);
- 3 S 28°-43'-00" E - 25.83 varas to a calculated point (28);
- 4 S 13°-46'-02" E - 22.16 varas to a calculated point (29);
- 5 S 10°-53'-17" E - 32.80 varas to a calculated point (30);
- 6 S 31°-55'-40" E - 66.69 varas to a calculated point (31);
- 7 S 49°-45'-22" E - 42.38 varas to a calculated point (32);
- 8 S 46°-00'-15" E - 54.19 varas to a calculated point (33);
- 9 S 38°-27'-24" E - 65.29 varas to a calculated point (34);
- 10 S 61°-00'-15" E - 70.47 varas to a calculated point (35);
- 11 S 49°-06'-20" E - 45.10 varas to a calculated point (36);
- 12 S 73°-16'-32" E - 32.20 varas to a calculated point (37);
- 13 S 84°-51'-49" E - 79.31 varas to a calculated point (38);
- 14 N 88°-24'-09" E - 55.87 varas to a calculated point (39);
- 15 S 83°-52'-00" E - 38.29 varas to a calculated point (40);
- 16 N 82°-28'-32" E - 20.61 varas to a calculated point (41),
- 17 being the most southeasterly point of said peninsula;

18 THENCE, upstream, along the present gradient boundary line of
19 the Trinity River on the northeast side of said peninsula, as
20 follows:

- 21 N 07°-12'-33" E - 11.90 varas to a calculated point (42);
- 22 N 37°-19'-50" W - 70.06 varas to a calculated point (43);
- 23 N 50°-55'-59" W - 58.16 varas to a calculated point (44);
- 24 N 36°-58'-55" W - 129.71 varas to its intersection with the
25 south line of a called 70.62 acre parcel, described as Cause No. II,
26 awarded to the Trinity River Authority, according to Final Decree
27 of Condemnation No. 11,243 recorded in Volume 211, page 349, Deed

1 Records of Polk County, Texas, a calculated point (45);

2 THENCE, N 66°-01'-56" E, with a south line of said TRA 70.62
3 acre parcel, a distance of 361.41 varas to a calculated point (46)
4 for an angle corner of same and the northwest corner of a called
5 6.29 acre parcel described, as Cause No. I, in said Final Decree of
6 Condemnation No. 11,243 recorded in Volume 211, page 349, Deed
7 Records of Polk County, Texas, said point being within the channel
8 excavated to discharge water from the floodgates of the Lake
9 Livingston Dam;

10 THENCE, S 42°-22'-55" E, with the west line of said TRA 6.29
11 acre parcel, a distance of 102.75 varas to its intersection with the
12 present gradient boundary line, a calculated point (47) for corner;

13 THENCE, downstream, along the gradient boundary of the
14 Trinity River as follows:

15 S 18°-36'-11" E - 39.94 varas to a calculated point (48);

16 S 15°-30'-04" E - 34.31 varas to a calculated point (49);

17 S 10°-01'-55" E - 49.91 varas to a calculated point (50);

18 S 05°-56'-08" W, at 12.39 varas, a calculated point (64),
19 being a westerly extension of the south line of said TRA 6.29 acre
20 parcel and the northwest corner of the remainder area of Swartout
21 Townsite as shown on a Plat recorded in Volume E, page 538, Deed
22 Records of Polk County, Texas, said area purportedly owned by Wayne
23 R. Baker, and from which a 5/8" iron rod with a 2" diameter aluminum
24 cap stamped "L.E. Woods Texas L.S.L.S." set for reference point
25 (65), bears N 69°-30'-41" E - 68.40 varas, and a 3" diameter concrete
26 monument with a 3\8" iron rod in its center found for the southeast
27 comer of said TRA 6.29 acre tract, being reference point (66), bears

1 N 69°-30'-41" E - 180.16 varas, continuing S 05°56'08" W, a total
2 distance of 30.54 varas to a calculated point (51);

3 S 16°-42'-41" E - 24.49 varas to a calculated point (52);

4 S 07°-53'-07" E - 27.49 varas to a calculated point (53);

5 S 00°-40'-46" W - 28.81 varas to a calculated point (54);

6 S 05°-09'-48" E - 25.07 varas to a calculated point (55);

7 S 15°-01'-10" W - 58.27 varas to a calculated point (56);

8 S 19°-53'-02" E - 13.89 varas to a calculated point (57);

9 S 74°-30'-35" E - 13.99 varas to a calculated point (58);

10 S 15°-03'-54" E - 7.19 varas to a calculated point (59);

11 S 29°-49'-56" W - 18.79 varas to a calculated point (60);

12 S 36°-59'-27" E - 15.39 varas to a calculated point (61);

13 S 08°-42'-07" E - 27.15 varas to a calculated point (62);

14 And S 00°-21'-58" E - 58.92 varas to the Point of Beginning.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2021.