

By: Farrar

H.B. No. 1904

Substitute the following for H.B. No. 1904:

By: Madden

C.S.H.B. No. 1904

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the transfer of certain state property and the granting
3 of certain state easements from the Texas Department of Criminal
4 Justice and the Department of Public Safety of the State of Texas to
5 the City of Houston.

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

7 SECTION 1. (a) Before November 1, 2003, the Texas
8 Department of Criminal Justice and the Department of Public Safety
9 of the State of Texas shall transfer to the City of Houston, for
10 consideration to which the parties mutually agree, certain
11 interests in the real property described by Subsection (d) of this
12 section, including any improvements affixed to the property.

13 (b) Consideration for the transfer authorized by Subsection
14 (a) of this section may be in the form of an agreement between the
15 parties that requires the City of Houston to use the property for a
16 purpose that benefits the public interest of the state. If the
17 consideration for the transfer is in the form of an agreement
18 described by this subsection:

19 (1) the City of Houston may use the property
20 transferred under this Act only for a purpose that benefits the
21 public interest of the state; and

22 (2) ownership of the property automatically reverts to
23 the Texas Department of Criminal Justice and the easements granted
24 by the Department of Public Safety of the State of Texas and the

1 Texas Department of Criminal Justice automatically terminate if the
2 City of Houston no longer uses the property for a purpose that
3 benefits the public interest of the state.

4 (c) The Texas Department of Criminal Justice and the
5 Department of Public Safety of the State of Texas shall transfer
6 certain ownership and easement interests in the property described
7 by Subsection (d) of this section by an appropriate instrument of
8 transfer. If the consideration for the transfer is in the form of
9 an agreement described by Subsection (b) of this section, the
10 instrument of transfer must include a provision that:

11 (1) requires the City of Houston to use the property
12 for a purpose that benefits the public interest of the state; and

13 (2) indicates that ownership of the property
14 automatically reverts to the Texas Department of Criminal Justice
15 to the extent of the department's former interest in the property
16 and the easements granted by the Department of Public Safety of the
17 State of Texas and the Texas Department of Criminal Justice
18 automatically terminate if the City of Houston no longer uses the
19 property for a purpose that benefits the public interest of the
20 state.

21 (d) The real property to which Subsections (a) and (c) of
22 this section refer is described as follows:

23 Fee Simple Tract:

24 Being a tract or parcel containing 0.0650 acre (2,834 square
25 feet) of land situated in the H. Reinerman Survey, Abstract Number
26 644, City of Houston, Harris County, Texas, being out of and a part
27 of Tract 1, Block 2 of BROOKHOLLOW/HOUSTON, SECTION ONE, a

1 subdivision of record in Volume 144, Page 79, Harris County Map
2 Records (H.C.M.R.), and being out of and a part of a called 197,847
3 square foot tract conveyed to the State of Texas Department of
4 Public Safety by deed recorded under Harris County Clerks File
5 (H.C.C.F.) Number C580248, said 0.0650 acre tract being more
6 particularly described as follows (bearings are oriented to the
7 bearing base reflected in the record plat of said
8 BROOKHOLLOW/HOUSTON, SECTION ONE):

9 COMMENCING at a point in the northeasterly right-of-way
10 (R.O.W.) line of the Northwest Freeway (U.S. 290)(350 feet wide),
11 for the southerly corner of a called 1.6233 acre tract conveyed to
12 Joseph S. Dimare III, Trustee for Dacoma 290 Trust by deed recorded
13 under H.C.C.F. Number R805256, said point for the most southerly
14 west corner of said called 197,847 square foot tract, from which a
15 found 5/8 inch iron rod bears South 36°24" West, 0.24 feet;

16 THENCE, South 44°54'53" East, along the northeasterly R.O.W.
17 line of said Northwest Freeway, a distance of 8.00 feet (2.880
18 varas) to a magnetic nail set for reference;

19 THENCE, North 45°05'07" East, departing said northeasterly
20 R.O.W. line, a distance of 140.75 feet (50.670 varas) to a magnetic
21 nail set for reference;

22 THENCE, South 44°54'53" East, a distance of 24.00 feet (8.640
23 varas) to a magnetic nail set marking the POINT OF BEGINNING and
24 northerly corner of the herein described tract;

25 THENCE, continuing South 44°54'53" East, a distance of 55.83
26 feet (20.099 varas) to a magnetic nail set marking the easterly
27 corner of the herein described tract;

1 THENCE, South 45°05'07" West, a distance of 50.75 feet (18.270
2 varas) to a magnetic nail set marking the southerly corner of the
3 herein described tract;

4 THENCE, North 44°54'53" West, a distance of 55.83 feet (20.099
5 varas) to a cross in concrete set marking the westerly corner of the
6 herein described tract;

7 THENCE, North 45°05'07" East, a distance of 50.75 feet (18.270
8 varas) to the POINT OF BEGINNING and containing 0.0650 acre (2,834
9 square feet) of land. This description is based on a Standard
10 Boundary Survey and plat prepared by GeoSurv, LLC, dated March 10,
11 2003, and revised March 14, 2003.

12 Access Easement Tract:

13 Being a tract or parcel containing 0.0776 acre (3,378 square
14 feet) of land situated in the H. Reinerman Survey, Abstract Number
15 644, City of Houston, Harris County, Texas, being out of and a part
16 of Tract 1, Block 2 of BROOKHOLLOW/HOUSTON, SECTION ONE, a
17 subdivision of record in Volume 144, Page 79, Harris County Map
18 Records (H.C.M.R.), and being out of and a part of a called 197,847
19 square foot tract conveyed to the State of Texas Department of
20 Public Safety by deed recorded under Harris County Clerks File
21 (H.C.C.F.) Number C580248, said 0.0775 acre tract being more
22 particularly described as follows (bearings are oriented to the
23 bearing base reflected in the record plat of said
24 BROOKHOLLOW/HOUSTON, SECTION ONE):

25 COMMENCING at a point in the northeasterly right-of-way
26 (R.O.W.) line of the Northwest Freeway (U.S. 290)(350 feet wide),
27 for the southerly corner of a called 1.6233 acre tract conveyed to

1 Joseph S. Dimare III, Trustee for Dacoma 290 Trust by deed recorded
2 under H.C.C.F. Number R805256, said point for the most southerly
3 west corner of said called 197,847 square foot tract, from which a
4 found 5/8 inch iron rod bears South 36°24" West, 0.24 feet;

5 THENCE, South 44°54'53" East, along the northeasterly R.O.W.
6 line of said Northwest Freeway, a distance of 8.00 feet (2.880
7 varas) to a magnetic nail set marking the POINT OF BEGINNING and
8 westerly corner of the herein described tract;

9 THENCE, North 45°05'07" East, departing said northeasterly
10 R.O.W. line, a distance of 140.75 feet (50.670 varas) to a magnetic
11 nail set marking the northerly corner of the herein described
12 tract;

13 THENCE, South 44°54'53" East, a distance of 24.00 feet (8.640
14 varas) to a magnetic nail set marking the easterly corner of the
15 herein described tract;

16 THENCE, South 45°05'07" West, a distance of 140.75 feet
17 (50.670 varas) to a 5/8 inch iron rod with cap found in the
18 aforesaid northeasterly R.O.W. line of the Northwest Freeway,
19 marking the southerly corner of the herein described tract;

20 THENCE, North 44°54'53" West, along the northeasterly R.O.W.
21 line of said Northwest Freeway, a distance of 24.00 feet (8.640
22 varas) to the POINT OF BEGINNING and containing 0.0776 acre (3,378
23 square feet) of land. This description is based on a Standard
24 Boundary Survey and plat prepared by GeoSurv, LLC, dated March 10,
25 2003, and revised March 14, 2003.

26 Utility Easement Tract:

27 Being a tract or parcel containing 240 square feet of land

1 situated in the H. Reinerman Survey, Abstract Number 644, City of
2 Houston, Harris County, Texas, being out of and a part of Tract 1,
3 Block 2 of BROOKHOLLOW/HOUSTON, SECTION ONE, a subdivision of
4 record in Volume 144, Page 79, Harris County Map Records
5 (H.C.M.R.), and being out of and a part of a called 197,847 square
6 foot tract conveyed to the State of Texas Department of Public
7 Safety by deed recorded under Harris County Clerks File (H.C.C.F.)
8 Number C580248, said 240 square foot tract being more particularly
9 described as follows (bearings are oriented to the bearing base
10 reflected in the record plat of said BROOKHOLLOW/HOUSTON, SECTION
11 ONE):

12 COMMENCING at a point in the northeasterly right-of-way
13 (R.O.W.) line of the Northwest Freeway (U.S. 290)(350 feet wide),
14 for the southerly corner of a called 1.6233 acre tract conveyed to
15 Joseph S. Dimare III, Trustee for Dacoma 290 Trust by deed recorded
16 under H.C.C.F. Number R805256, said point for the most southerly
17 west corner of said called 197,847 square foot tract, from which a
18 found 5/8 inch iron rod bears South 36°24" West, 0.24 feet;

19 THENCE, South 44°54'53" East, along the northeasterly R.O.W.
20 line of said Northwest Freeway, a distance of 8.00 feet (2.880
21 varas) to a magnetic nail set for reference;

22 THENCE, North 45°05'07" East, departing said northeasterly
23 R.O.W. line, a distance of 130.75 feet (50.670 varas) to the POINT
24 OF BEGINNING and westerly corner of the herein described tract;

25 THENCE, continuing North 45°05'07" East, a distance of 10.00
26 feet (3.600 varas) to a magnetic nail set marking the northerly
27 corner of the herein described tract;

1 THENCE, South 44°54'53" East, a distance of 24.00 feet (8.640
2 varas) to a magnetic nail set marking the easterly corner of the
3 herein described tract;

4 THENCE, South 45°05'07" West, a distance of 10.00 feet (3.600
5 varas) to a point for the southerly corner of the herein described
6 tract;

7 THENCE, North 44°54'53" West, a distance of 24.00 feet (8.640
8 varas) to the POINT OF BEGINNING and containing 240 square feet of
9 land. This description is based on a Standard Boundary Survey and
10 plat prepared by GeoSurv, LLC, dated March 10, 2003, and revised
11 March 14, 2003.

12 Access Easement Tract:

13 Being a tract or parcel containing 0.0269 ACRE (1,172 square
14 feet) of land situated in the H. Reinerman Survey, Abstract Number
15 644, City of Houston, Harris County, Texas, being out of and a part
16 of Tract 1, Block 2 of BROOKHOLLOW/HOUSTON, SECTION ONE, a
17 subdivision of record in Volume 144, Page 79, Harris County Map
18 Records (H.C.M.R.), and being out of and a part of a called 197,847
19 square foot tract conveyed to the State of Texas Department of
20 Public Safety by deed recorded under Harris County Clerks File
21 (H.C.C.F.) Number C580248, said 0.0269 acre tract being more
22 particularly described as follows (bearings are oriented to the
23 bearing base reflected in the record plat of said
24 BROOKHOLLOW/HOUSTON, SECTION ONE):

25 COMMENCING at a point in the northeasterly right-of-way
26 (R.O.W.) line of the Northwest Freeway (U.S. 290)(350 feet wide),
27 for the southerly corner of a called 1.6233 acre tract conveyed to

1 Joseph S. Dimare III, Trustee for Dacoma 290 Trust by deed recorded
2 under H.C.C.F. Number R805256, said point for the most southerly
3 west corner of said called 197,847 square foot tract, from which a
4 found 5/8 inch iron rod bears South 36°24" West, 0.24 feet;

5 THENCE, South 44°54'53" East, along the northeasterly R.O.W.
6 line of said Northwest Freeway, a distance of 32.00 feet (11.520
7 varas) to a 5/8 inch iron rod with cap found for reference;

8 THENCE, North 45°05'07" East, departing said northeasterly
9 R.O.W. line, a distance of 69.00 feet (24.840 varas) to a 5/8 inch
10 iron rod with cap set marking the POINT OF BEGINNING and westerly
11 corner of the herein described tract;

12 THENCE, continuing North 45°05'07" East, a distance of 21.00
13 feet (7.560 varas) to a point for the northerly corner of the herein
14 described tract;

15 THENCE, South 44°54'53" East, a distance of 55.83 feet (20.099
16 varas) to a point for the easterly corner of the herein described
17 tract;

18 THENCE, South 45°05'07" West, a distance of 21.00 feet (7.560
19 varas) to a magnetic nail set marking the southerly corner of the
20 herein described tract;

21 THENCE, North 44°54'53" West, a distance of 55.83 feet (20.099
22 varas) to the POINT OF BEGINNING and containing 0.0269 acre (1,172
23 square feet) of land. This description is based on a Standard
24 Boundary Survey and plat prepared by GeoSurv, LLC, dated March 10,
25 2003, and revised March 14, 2003.

26 SECTION 2. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

C.S.H.B. No. 1904

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2003.