

By: Whitmire

S.B. No. 982

A BILL TO BE ENTITLED

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AN ACT

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

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

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

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

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

(2) ownership of the property automatically reverts to the Texas Department of Criminal Justice and the easements granted 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



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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.